



2021 UMP Amendment



**Olympic Regional
Development Authority**

March 2, 2022

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation

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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



Department of
Environmental
Conservation



**Adirondack
Park Agency**

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

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Submitted: March 2nd, 2022

Executive Summary

The NY Olympic Regional Development Authority (ORDA) proposes to amend the 2004 Unit Management Plan (UMP) for the Whiteface Mountain Ski Center Intensive Use Area (Whiteface) to include certain new connector trails between existing ski trails and to widen other existing ski trails. Also included in the new management actions for this 2021 UMP Amendment (UMPA) are the installation of a new lift between the Bear Den Lodge area and the area of the Legacy Lodge that was constructed near the former Midstation Lodge¹, and an expansion of the existing NYSEF Building near the Base Lodge. Development of hiking and mountain biking recreational trails to be independent and serviced by lifts is also proposed in this UMPA. See **Figure ES-1**, 2021 Master Plan, on the following page. More detailed descriptions of the 2021 proposed new management actions are in Section 2 of this UMPA.

The purpose and need for this UMPA, including the new management actions, is the on-going improvement and modernization of facilities at Whiteface that will add to public accessibility, increase user safety, and enhance recreational experiences while simultaneously complying with Article XIV of the New York State Constitution and the Adirondack Park State Land Master Plan.

¹ Legacy Lodge has replaced the former Midstation Lodge and the general area of the mountain around the current lodge and the former lodge is now referred to “Legacy”.

Proposed new downhill trails and proposed trail widening include the following:

Management Action	Trail/Lift ID	Name / Description	Trail Length (LF)	Average Width (LF)
New Downhill Trails				
	95	Yellow Dot	260	23
	94	High Country Road	560	99
	93	Trail Under Bear Den to Legacy Lift	500	115
	Total		1,320	
Widen Existing Trails				
	59A	Wildway	n/a	30
	61	2200 Road	n/a	60
	20	Upper Thruway	n/a	68
	18	Upper Parkway	n/a	66
	21	Lower Thruway	n/a	85
	24	Burton's	n/a	55
	28	Danny's Bridge	n/a	43
	68	Brookside	n/a	60

In addition to these new trails and new trails widening as 2021 management actions, the previously approved trails 88 and 89 to be located off of the recently replaced Bunny Hutch Lift in the Bear Den area (C) are no longer proposed. The combined length of these trails is 1,700 feet (0.32 mile)

The addition of 1,320 feet (0.25 mile) of new trails and the abandonment of 1,700 feet (0.32 miles) of previously approved trails will result in a total of 22.32 miles of downhill ski trails at Whiteface, which is 2.65 miles below the NYS Constitutional limit of 25 miles. Additionally, the amount of trails greater than 120 feet wide and less than 200 feet wide will now be 2.33 miles (was 1.75 miles) which is well below the five (5) mile limit for such wider trails that was established in the 1987 amendment to Article XIV.

The new lift (Lift D) will be a detachable quad with a midstation terminal, approximately 4,300 feet long overall, between the Bear Den area and the Legacy Lodge area. Construction of the Legacy Lodge at a 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 skier and snowboarder 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 and safer learn to ski and snowboard progression by providing access to the proper terrain for lower level abilities. ORDA considered alternative configurations for this lift, including a straight lift without a midstation 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 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.

One other lift-related actions for this UMPA include that the previously approved extension of the Bear Lift (B) to the area around Calamity Lane and Legacy Lodge, including a new lift midstation, is no longer proposed. The proposal to replace and extend the Freeway Lift (I) ,approved in 2018, is no longer proposed. To accommodate the instillation of the Bear Den Lift, the Mixing Bowl lift (A) was removed.

New 2021 Management Actions have been added to an updated Status of Management Actions master table that is in **Exhibit 1** of this UMPA. The following actions have occurred since the approval of the 2018 UMPA and the master table in **Exhibit 1** has been updated to include those changes in status for:

- Creation of Slide View Glade
- Widening of Easy Street Trail
- Widening of Broadway Trail
- Replacement of Midstation Lodge with Legacy Lodge
- Widening (installing snowmaking lines) of Danny's Bridge Trail
- Widening (installing snowmaking lines) of Brookside Trail
- Widening of Otter Trail
- Creation of Coyote Trail
- Installation of Coyote Cruiser and Cub Carpet Surface Lifts at Bear Den
- Replacement and extension of Bunny Hutch (C) lift.

As part of this UMPA, ORDA has performed an environmental assessment of the proposed new management actions. This assessment resulted in the identification of the following potentially significant impacts. See Section 3 and **Exhibit 9** of this UMPA for additional detail.

- Potential impacts to land from steep slope soil erosion during construction,
- Potential impacts to water from sedimentation of eroded soils,
- Potential impacts to land from construction in areas with shallow depth to bedrock, and
- Potential impacts to Bicknell's thrush and its habitat.

The same potential impacts were identified in the 2018 UMPA which contained extensive, detailed measures proposed to avoid or mitigate these potential impacts. This 2021 UMPA proposes the same avoidance/mitigation measures. Because this UMPA was prepared less than 3 years since the approval of the 2018 UMPA, the Inventory of Existing Resources, Facilities, Systems and Use in Section II of the 2018 UMPA and the Management and Policy guiding the operation of Whiteface in Section III of the 2018 UMPA are not repeated in this 2021 UMPA. All new management actions in this UMPA, including removal of the Mixing Bowl lift and installation of EV chargers, have been added to the table in Exhibit 1, Whiteface UMP Management Action Status.

Section 4 of this UMPA contains descriptions of additional permits or approvals that may be required following approval of this UMPA and prior to construction.

Eleven (11) Exhibits at the end of this UMPA provide additional supporting information for various topics including trail mileage, natural resources mapping, tree counts, , stormwater management, visibility, and the NY State Environmental Quality Review Act (SEQRA) assessment of the 2021 new management actions.

Whiteface Mountain 2021 UMP Amendment

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List of Abbreviations

ACOE	US Army Corps of Engineers
ADA	Americans with Disabilities Act
APA	NYS Adirondack Park Agency
APSLMP	Adirondack Park State Land Master Plan
CEA	Critical Environmental Area
DBH	Diameter at Breast Height
DEC	NYS Department of Environmental Conservation
FIS	Federation Internationale de ski (International Ski Federation)
NYSEF	New York Ski Education Foundation
OPRHP	NYS Office of Parks Recreation and Historic Preservation
ORDA	NY Olympic Regional Development Authority
SEQRA	NY State Environmental Quality Review Act
SPDES	State Pollution Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
UMP	Unit Management Plan
UMPA	Unit Management Plan Amendment

² Changes made to the Public Draft when preparing the Proposed Final UMPA

Section 1 Introduction

The NY Olympic Regional Development Authority (ORDA) is amending the 2004 Unit Management Plan (UMP) for the Whiteface Mountain Intensive Use Area (Whiteface) located in the Town of Wilmington, Essex County, New York. See **Figure 1** in **Exhibit 3**, Site Location Map. Previous Whiteface Mountain UMP documents, including the 2018 Amendment, are incorporated by reference into this 2021 UMP Amendment (UMPA).

This 2021 UMPA for Whiteface has been prepared in accordance with the Adirondack Park State Land Master Plan (APSLMP) and adds several new management actions. Most of the new management actions are widening of existing downhill ski trails and construction of short new connector trails. A new ski lift is also proposed. Language in the APSLMP that pertains specifically to Whiteface Mountain states “Existing downhill ski centers at Gore and Whiteface should be modernized to the extent physical and biological resources allow. Cross-country skiing on improved cross-country ski trails may be developed at these downhill ski centers.”

Section 816 of the Adirondack Park Agency Act directs the New York State Department of Environmental Conservation (DEC) to develop, in consultation with the New York State Adirondack Park Agency (APA), UMPs for each unit of land under its jurisdiction classified in the APSLMP. ORDA, pursuant to its enabling law and agreement with the NYSDEC for the management of Whiteface, has prepared this UMPA in cooperation with DEC and in consultation with APA.

The primary objective of this UMPA is to continue the maintenance and operation of Whiteface at a constant level over the ensuing five-year management period in such a way that will contribute to stabilizing Olympic Region employment, economics, public recreation, and governmental administration. Additional objectives include improving facilities that will add to intermediate and beginner terrain on the mountain, increasing user safety, and enhancing recreational experiences. Many of the improvements listed in this UMP Amendment are safety-related and pertain directly to present needs of the mountain in terms of customer expectations and the safety of all levels of skiers. Primarily, the proposed improvements are designed to facilitate access to appropriate terrain for beginner and intermediate skiers and snowboarders, which makes it safer and more enjoyable for all.

Because this UMPA was prepared less than 5 years since the approval of the 2018 UMPA, the Inventory of Existing Resources, Facilities, Systems and Use in Section II of the 2018 UMPA and the Management and Policy guiding the operation of Whiteface in Section III of the 2018 UMPA remain essentially the same. The following management actions have been implemented at Whiteface since the approval of the 2018 UMPA and their status has been updated in Management Actions Status Master Table in **Exhibit 1** of this UMPA:

- Creation of Slide View Glade
- Widening of Easy Street Trail
- Widening of Broadway Trail
- Replacement of Midstation Lodge with Legacy Lodge

- Widening (installing snowmaking lines) of Danny's Bridge Trail
- Widening (installing snowmaking lines) of Brookside Trail
- Widening of Otter Trail
- Creation of Coyote Trail
- Installation of Coyote Cruiser and Cub Carpet Surface Lifts at Bear Den
- Replacement of Bunny Hutch Lift (Lift C)

Section 2 Proposed Management Actions

A. List and Map of 2021 Management Actions

The following management actions, listed from highest to lowest priorities, are the subject of this 2021 UMPA:

- Widen Upper Thruway Trail
- Widen Upper Parkway Trail
- Widen Lower Thruway Trail
- Widen Burton's Trail
- Add New Lift Connecting Bear Den to Legacy including a new skiable trail beneath the lift
- Install electric vehicle (EV) chargers in parking lot in front of NYSEF building
- Install a 2-toilet prefabricated restroom facility near the timing building to replace existing pit privies
- New Yellow Dot Trail
- Widen Wildway Trail
- New High Country Road Trail
- Widen 2200 Road Trail
- Widen Danny's Bridge Trail
- Widen Brookside Trail
- Construct new mountain biking trails within the Whiteface Mountain Intensive Use Area to foster interconnections between existing mountain biking trails at Whiteface with the existing trails within the Wilmington Wild Forest and the Flume Trail System.
- Construct re-routed hiking trails within the Whiteface Mountain Intensive Use Area to mitigate environmental degradation and increase overall safety of existing poorly designed trails. The proposed trail system will foster interconnections between the IUA and Wilmington Wild Forest.
- Construct NYSEF Building Expansion

See **Figures 2, 2A, 3 and 4 in Exhibit 3** that show the locations and extents of these actions.

Also, as part of this 2021 UMPA, the status of trails 88 and 89 are being changed from previously approved in 2018 to no longer proposed in 2021. Together, these two trails total 0.32 mile, and this amount is incorporated into the current ski trail mileage calculations in **Exhibit 2** and summarized in section 2.F below. There will be a slight net decrease in trail mileage at Whiteface as a result of the 2021 management actions. The extension of Bear (B) Lift to the area around Legacy Lodge approved in the 2017 UMPA is no longer proposed. Replacement and extension of the Freeway Lift (I) is no longer proposed. The Mixing Bowl lift (A) is being removed.

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.

11. Construct new mountain biking trails within the Whiteface Mountain Intensive Use Area to foster interconnections between existing mountain biking trails at Whiteface, with existing trail within the Wilmington Wild Forest and the Flume Trail System. This program will be supported and serviced by mountain infrastructure in the Bear Den area of Whiteface, out of which mountain biking activities will be based. Approximately half of the proposed trails will be located on existing cleared trails in the Whiteface Mountain Intensive Use Area. The proposed system includes approximately 19 miles of single track mountain biking trails with approximately 6 miles of easiest (green) trails, 10 miles of more difficult (blue) trails, and 3 miles of most difficult (black) trails. A map of the proposed mountain biking trails is **Figure 3 in Exhibit 3**. The proposed trail system was informed by the Master Plan Report for Hiking and Mountain Biking at Whiteface Mountain which can be found here: <https://www.dec.ny.gov/lands/90459.html> . All trails identified in the guidance document and tabulated below are subject to the DEC Work Plan Process.

Mountain Biking Trails (Improve Existing and Proposed New Trails)		
<i>Trail ID</i>	<i>Trail Name</i>	
<i>Easiest</i>		<i>+/- 6 miles</i>
a	Green Flow	
b	Green Jump	
c	Top of Falcon Flyer to Bear Den Base	
d	Base Lodge to Valvehouse	
e	Northeast Beginner Loop	
f	Magic Bus Road	
g	Pedal Access Above Legacy	
<i>Intermediate</i>		<i>+/- 10 miles</i>
h	Upper Blue Flow	
i	Lower Blue Flow	
j	Blue Jump	
k	Northwest Shore	
l	Northern Single Track Trails	
m	Seek and Destroy	
n	New Blue Technical	
o	New Inconceivable	
p	Southwest Shore	
q	River Loop	
<i>Advanced</i>		<i>+/- 3 miles</i>
r	Slickrock	
s	To Slickrock	
t	Center Advanced	
u	Freedom	
v	Evil Empire	

No trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design must be approved through the updated Work Plan process. Where applicable, all proposed trails will also comply with the 2018 NYS DEC Management Guidelines for Siting, Construction and Maintenance of Singletrack Bicycle Trails on Forest Preserve Lands in the Adirondack and Catskill Parks (https://www.dec.ny.gov/docs/lands_forests_pdf/bikeguidance.pdf). All stream crossings will also follow DEC Best practices (https://www.dec.ny.gov/docs/permits_ej_operations_pdf/streamcrossbroch.pdf).

12. Construct re-routed hiking trails within the Whiteface Mountain Intensive Use Area to mitigate environmental degradation and increase overall safety of existing poorly designed trails. The proposed trail system will foster interconnections between the IUA and Wilmington Wild Forest. Approximately half (5 miles) of the proposed trail system will make use of existing hiking trail areas and approximately four (4) miles of new hiking trail will be established in the Whiteface Mountain IUA. Improvements will be made to existing trail areas deemed hazardous or unsustainable, and new trails favor moderate terrain over that of the steeper existing trails. Existing trails where rehabilitation is not proposed will be closed. A map of the proposed hiking trails is **Figure 4 in Exhibit 3**. The proposed hiking trail re-routes were informed by the Master Plan Report for Hiking and Mountain Biking at Whiteface Mountain which can be found here: <https://www.dec.ny.gov/lands/90459.html>. All trails identified in the guidance document and tabulated on the following page are subject to the DEC Work Plan Process.

Improve Existing Hiking Trails		+/- 5 miles
<i>Trail ID</i>	<i>Trail Name</i>	
A	Top of Gondola to Base Lodge	
B	Bear Mountain Extension	
C	Little Whiteface Summit Path	
D	Valve House Road to Bear Den	
E	Champlain Valley Trail	
F	Slide-Out	
Proposed New Hiking Trails		+/- 4 miles
<i>Trail ID</i>	<i>Trail Name</i>	
G	West Branch Nature Trail Extension	
H	Little Whiteface Mountain Ridge Trail	
I	Top of Summit Quad to Summit	
J	New Bear Den Mountain Trail	
K	Paron's Run to the Bottom of the Slides	
L	West Branch Ausable River Accessible Trail	
M	Accessible Trail to Eastern Drainage	

No trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design must be approved through the updated Work Plan process.

13. Expand NYSEF Building – NYSEF is proposing to construct a 25-feet by 70-feet, two floor addition to the north side of their existing building in the base lodge area.

14. Install Electric Vehicle (EV) Chargers – ORDA has installed three (3) dual port charging units in the open parking area adjacent to the Bear Den Mountain Trailhead and desires to install additional EV Chargers in the River Lot. Project specifics shall be outlined through the Wild, Scenic and Recreational Rivers Act permit required by DEC. ORDA supports EV usage and wants to encourage those with electric vehicles to come to Whiteface Mountain.

15. Install Prefabricated Freestanding Restroom – an approximately 10 feet by 20 feet precast concrete restroom building will be installed adjacent to the Timing Building and replace the existing outhouse building. The building will house two toilet rooms served by non-potable snowmaking water and a proposed onsite wastewater treatment system. The exterior of the building will employ stained concrete form liner patterns to simulate a stone and/or clap board siding.

C. Projected Use

The actions proposed in this UMPA are intended to better distribute skiers on the mountain and not necessarily to significantly increase the levels of use at Whiteface.

See section IV.B of the 2018 UMPA for a discussion of attendance numbers and projected future use.

D. Actions Approved in Previous UMPs which are Part of this UMP Amendment

The status of all pre-2018 UMPA management actions remain the same as they were in the 2018 UMPA. Per section 1 above, some of the new management actions in the 2018 UMPA have been completed and other actions approved in the 2018 UMPA are no longer proposed.

Table 1, Status of Management Actions, in Exhibit 1 has been updated to reflect changes in the status of previously approved actions and to include the new 2021 management actions.

E. Prioritization and Schedule of Management Actions

The following is a listing of new 2021 management actions by priority.

Top Priority

- Widen Upper Thruway Trail
- Widen Upper Parkway Trail
- Widen Lower Thruway Trail
- Widen Burton's Trail
- New Lift Between Bear Den and Legacy Areas with Skiable Trail Underneath
- Install EV Chargers

Moderate Priority

- New Yellow Dot Trail
- Widen Wildway Trail
- New High Country Road Trail
- Widen 2200 Road
- Replace Outhouse Building with Toilet Building

Lower Priority

- Widen Danny's Bridge and Brookside Trails
- New Mountain Biking Trails
- New Hiking Trails
- NYSEF Building Expansion

The anticipated schedule for implementing these management actions is as follows

	Anticipated Implementation	
Management Action	2022	2023
New Yellow Dot	X	
New High Country Road		X
Widen Wildway		X
Widen 2200 Road		X
Widen Upper Thruway	X	
Widen Upper Parkway	X	
Widen Lower Thruway		X
Widen Burtons		X
Widen Danny's Bridge	X	X
Widen Brookside	X	X
Bear Den to Legacy Lift	X	X
Hiking Trails	X	X
Biking Trails	X	X
Expand NYSEF (2025)		

Any trail construction related to Hiking and Mountain Biking trails will not take place until the DEC restriction on trail construction is lifted.

F. Ski Trail Mileage With 2021 Management Actions

The following page contains an updated version of the 2018 UMPA Trail and Glade Mileage Summary table that includes the 2021 UMPA trail adjustments / new management actions, previously approved trails no longer proposed, and mileage of the existing glades.

There are no changes to the calculated glade mileage between the 2018 UMPA and the 2021 UMPA. The “Slide View Glade” that was created subsequent to the approval of the 2018 UMPA (see 2021 Draft UMPA Section 1-1) is in the same location as previously approved trail 12a. Since the length of trail 12a is already included in the table under “Approved Trail” mileage, it is not included in the glade mileage entry in the table that follows. If it was also included in the glade mileage table entry, this would result in a calculation redundancy (double counting) in the mileage calculations. As shown in the table, even if the mileage of glades is included, total mileage is still below the 25-mile Constitutional limit established for Whiteface Mountain. See **Exhibit 2**, Updated Trail Mileage Calculations, for details.

2021 Trail and Glade Mileage Summary

<i>Summary of Totals</i>	<i>(In Miles)</i>
Total Existing Trails	19.95
Total Approved/Not Constructed Trails	2.79
<i>Total Existing and Approved Trails</i>	<i>22.74</i>
Total Proposed Trails	0.25
Total Previously Approved, No Longer Proposed Trails	-0.32
<i>Total Existing/Approved and Proposed Trails</i>	<i>22.67</i>
Constitutional Trail Mileage Limit	25.00
<i>Total Allowable Trail Mileage Remaining</i>	<i>2.33</i>
Total Existing/Approved and Proposed Trails	22.67
Total Existing Glades	2.14
<i>Total Existing/Approved and Proposed Trails and Glades</i>	<i>24.81</i>
<i>Conceptual Trails and Glades from Previous UMP's</i>	<i>1.14</i>

Section 3 Analysis of Potentially Significant Environmental Impacts

ORDA, in conjunction with NYS DEC, and in cooperation with NYS APA, have closely examined, potential environmental impacts that could occur as a result proposed management actions in accordance with the requirements of SEQRA (6 NYCRR Part 617). **Exhibit 9** contains completed Parts 1-3 of a SEQRA full environmental assessment form (FEAF) and a SEQRA Negative Declaration documenting why preparation of an Environmental Impact Statement is not warranted.

A. Impact on Land

Steep slope construction, shallow depth to bedrock, extended construction duration, and the erosion potential of the site's soils all contribute to the potential for erosion of soil that is exposed during construction. Shallow depth of bedrock may require blasting of rock in some areas.

Site soils and the 2021 proposed management actions are shown on **Figure 5 in Exhibit 3**.

The following table shows the management actions that are proposed in areas of 993F and RaF soils with bedrock at 20 to 40 inches below grade, and actions proposed in HrF soils where bedrock is 10 to 20 inches below grade. (See Figure 5 in Exhibit 3 for a legend of soil series names and symbols.)

Site Soils – Bedrock

MANAGMENT ACTION	SOIL SERIES						
	993F*	HrF**	RaF*	MnD	MkD	MkC	FnD
Widen Upper Thruway Trail			√				
Widen Upper Parkway Trail		√	√				
Widen Lower Thruway Trail			√				
Widen Burton's Trail			√				
New Bear Den to Midstation Lift			√	√	√		
New Yellow Dot Trail	√						
Widen Wildway Trail		√					
New High Country Road Trail		√	√				
Widen 2200 Road Trail		√	√				
Widen Danny's Bridge Trail				√	√		
Widen Brookside Trail					√		
Expand NYSEF Building						√	
*bedrock @ 20-40"							
** bedrock @ 10-20"							

Blasting – see pages V-1 through V-3 in the 2018 UMPA for a full discussion of measures to be implemented to avoid and minimize impacts associated with blasting, should blasting be required.

Site topography and the 2021 proposed management actions are shown on **Figure 6 in Exhibit 3**.

The following table shows the erosion potential of the soils in the areas of the proposed management actions. Steepest (F) slope soils have severe erosion potential. Erosion potential decreases to moderate in less steep D soils. Erosion potential in the MkC soils is slight. (See Figure 3 in Exhibit 3 for a legend of soil series names and symbols.)

Site Soils – Erosion Potential

MANAGMENT ACTION	SOIL SERIES						
	993F***	HrF***	RaF***	MnD**	MkD**	MkC*	FnD**
Widen Upper Thruway Trail			√				
Widen Upper Parkway Trail		√	√				
Widen Lower Thruway Trail			√				
Widen Burton's Trail			√				
New Bear Den to Midstation Lift			√	√	√		
New Yellow Dot Trail	√						
Widen Wildway Trail		√					
New High Country Road Trail		√	√				
Widen 2200 Road Trail		√	√				
Widen Danny's Bridge Trail				√	√		
Widen Brookside Trail					√		
Expand NYSEF Building						√	
***severe erosion potential							
** moderate erosion potential							
* slight erosion potential							

Erosion from Steep Slope Construction – see pages V-3 through V-9 of the 2018 UMPA for a thorough discussion of the measures to be undertaken to minimize soil erosion and prevent sedimentation in surface waters.

B. Impact on Geological Features

The cirques and aretes that are the unique geological features identified near summit of Whiteface Mountain will not be affected. The only management action proposed on or near the summit is a hiking trail that will make use of an existing ski trail.

C. Impact on Surface Water

See **Figure 7 in Exhibit 3** that shows mapped NYSDEC streams, mapped APA wetlands, and mapped waters of the US.

The location of the blue line stream 830-269 on Figure 7 is incorrect. The stream does not pass through the area of proposed widening of Brookside trail. This stream is located north of the Boreen Trail which is removed from any proposed management actions. The green line stream NWI mapping on **Figure 7** is closer to the actual location of the stream than the blue line stream.

This same stream flows past the NYSEF building, approximately 60 feet away from the north side of the existing building. **Exhibit 6** contains an initial assessment of stormwater management associated with the proposed building expansion. Installing drip strips or bioretention is recommended to capture additional runoff generated by the building expansion prior to runoff reaching the nearby stream.

The proposed hiking trails and mountain bike trails involve 11 new bridged stream crossings. Wherever possible, trails were sited to cross streams using existing alpine ski trails crossings. The 11 proposed bridge crossings will be clear spans with the crossing openings at least 1.25 times the stream width as measured bank to bank at the ordinary high water level.

Hiking and mountain bike trail crossings of minor drainages and seasonal streams (unclassified and un-mapped) will be crossed either with stepping stones (for hiking trails), stone paved armor crossings or culverts. If culverts are to be used, they will be appropriately sized and placed so as to prevent scouring, erosion, clogging, and ponding, and shall be embedded so that the substrate and bedding is similar to the natural drainage.

Prior to construction, ORDA will have all work areas examined for unmapped waters and wetlands. If needed, permit applications will be filed with the proper regulatory agency(ies) for any unavoidable impacts to waters or wetlands (see Section 4 of this UMPA).

Measures to mitigate potential sedimentation impacts to surface waters from construction area soil erosion were discussed previously in section 3.A above.

There will be an incremental increase in snowmaking water withdrawal from the West Branch AuSable River to produce snow on the new trails and on the enlarged trails. ORDA will continue to abide by their current Cooperative Agreement with NYSDEC that controls snowmaking water withdrawal rates from the West Branch AuSable River.

D. Impact on Groundwater

No potential impacts associated with the proposed management actions were identified.

E. Impact on Flooding

No structures or any other type of fixed object are proposed to be placed in the floodplain of the West Branch AuSable River.

F. Impact on Air

No potential impacts associated with the new management actions were identified.

G. Impact on Plants and Animals

1. Significant Communities

Other than some proposed short, new hiking trails, the 2021 new management actions will not occur in any of the significant communities identified for the area by NY Natural Heritage Program in 2017³: ice cave talus, open alpine, alpine krummholz, mountain spruce fir or mountain fir. Proposed 2021 actions are in the following communities as illustrated on **Figure 9 in Exhibit 3**.

- Pioneer Hardwood Spruce-Fir (I): New Yellow Dot Trail, widening Wildway Trail (partial)
- Northern Hardwood (N): widening Wildway (partial), New High Country Road Trail, widening 2200 Road Trail, widening Upper Thruway Trail, widening Upper Parkway Trail, widening Lower Thruway Trail, widening Burton's Trail, New Bear Den to Legacy Lift (partially within White-Red Pine (W)), widen Danny's Bridge Trail, widen Brookside Trail, Expand NYSEF Building, ADA Hiking/Biking Trail.

2. Bicknell's Thrush (VINS Recommendations for Minimization of Project Impacts and Measures to be Incorporated at Whiteface Mountain)

Four (4) proposed hiking trails, or sections of these trails, are located in areas of mountain spruce fir forest and potential Bicknell's thrush habitat (>2,800' elevation, spruce-fir forest community).⁴ See **Figure 10 in Exhibit 3**.

Hiking Trail "I" (Top of Summit Quad Lift to the Summit) is a proposed 0.3 mile trail that would replace the existing steep, unsustainable alignment, which is essentially a straight line, steep, +/- 0.13 mile climb from the top of the Summit Lift to the summit of Whiteface Mountain. The existing summit trail will be abandoned upon completion of the new trail to the summit. The proposed gradual Trail I would form a switch back to the summit after it connects with the existing Wilmington hiking trail. For the existing straight uphill trail connecting the top of the

³ A 2021 response letter from Natural Heritage Program focused on only that part of the Intensive Use Area where new management actions (other than proposed hiking and mountain biking trails) and previously approved, but not yet constructed actions are located. This resulted in Natural Heritage Program identifying the Mountain Spruce-Fir community and the Mountain Fir Forest community in their June 4, 2021 letter, a copy of which is included in Exhibit 8.

⁴ All proposed mountain biking trails are located below elevation 2800'.

Summit Lift to the summit of Whiteface Mountain, Tahawus Trails estimates that the time it could take for this trail to revert back to vegetation at levels comparable to the adjacent forest would vary depending on the closure approach. With complete abandonment and no reforestation efforts, Tahawus Trails estimates 15-30 years. That time would decrease with naturalization efforts such as moving brush from the forest into the trail corridor. This would help to reduce runoff, block potential rogue trail users, and expedite the reintroduction of woody materials to the forest floor.

Trail “H” (Little Whiteface Mountain Ridge Trail) follows the northwest ridge of Little Whiteface to Parsons Run ski trail which continues up to the top of the Summit Lift and the mountain summit is beyond. This is a 0.25 mile section of proposed trail.

Trail “C” (Little Whiteface Summit Path) is an existing 0.1 mile herd path that circumnavigates the summit of Little Whiteface.

Trail “K” (Parons Run to the Bottom of the Slides) is a 0.7 mile trail that will be a combination of new trail construction and existing ski trails. New construction will involve 0.2 miles of trail constructed between Parsons Run to Niagara.

The following language regarding mitigating potential impacts to Bicknell’s thrush is contained within the 2006 UMPA and is incorporated into this 2021 UMPA.

The primary resource for the analysis of impacts for trail construction above 2,800 feet is the Vermont Institute of Natural Science (VINS) report titled, "Evaluating the Use of Vermont Ski Areas by Bicknell's Thrush: Applications for Whiteface Mountain, New York" (BTAWM)⁵. The Executive Summary of the BTAWM states that there was *"no evidence that nest predation rates differed between ski area and natural forest plots, or that nests in either plot type were more likely to be depredated", and that "we (VINS) found no significant differences in adult survivorship, nest success, or breeding productivity of Bicknell's Thrushes between ski areas and natural forests."* These findings indicate that development of ski trails on Whiteface Mountain can continue in partnership with sound environmental stewardship. The BTAWM includes recommendations for minimization of project impacts, recommendations for post-construction habitat maintenance, recommendations for project mitigation, recommendations for population monitoring, and introduces suggestions for opportunities for conservation education. The design and construction practices for all ski trails and other management actions over 2,800 feet elevation at WFM has embraced, and will continue to embrace, these aspects of the report. Additionally, WFM will embrace the opportunity to incorporate the BTAWM mitigation recommendations into the overall environmental stewardship program for all developed areas of the ski area over 2,800 feet.

⁵ Rimmer, Christopher & McFarland, Kent & Lambert, J. & Renfrew, Rosalind. (2004). Evaluating the Use of Vermont Ski Areas by Bicknell’s Thrush: Applications for Whiteface Mountain.

Field monitoring by the Wildlife Conservation Society's Adirondack Communities and Conservation Program (WCS) was performed in two seasons (summer 2004, 2005) on developed, proposed to be developed, and not proposed for development areas of the mountain. Findings showed no statistically significant effect of ski trails on the presence of Bicknell's Thrush, although WCS cautioned that sample sizes were small due to the nesting behavior of Bicknell's Thrush. WCS's study at Whiteface Mountain is funded by a State Wildlife Grant with matching funds provided by ORDA.

The following text addresses the recommendation of the BTAWM report in the order that the recommendations were presented in the BTAWM report.

Methods for Avoidance of Project Impacts

1. Timing of Construction Activities

a. Tree cutting operations above 2,800 feet in terrain identified as suitable Bicknell's habitat shall be prohibited between the dates of 15 May and 01 August to minimize impacts during the active nesting cycle. Additionally, during these times, all other construction activities above 2800 feet in terrain identified as suitable Bicknell habitat shall be reviewed for potential impact. Activities that may cause negative impact to Bicknell's Thrush will be scheduled for other times.

2. Avoid Trail Construction within Suitable Bicknell's Thrush Habitat

a. Management actions should be designed to attempt to avoid areas where natural disturbance, either chronic or random, may be of suitable habitat for Bicknell's Thrush. These areas include west-facing slopes, ridgelines, fir waves and areas adjacent to fir waves that have been explored in the field with Department of Environmental Conservation staff and the Wildlife Conservation Society staff. While it is impossible to completely avoid all the above referenced areas and develop a ski trail system that provides suitable carrying capacities and adequate skier safety, all attempts have been made in the layout of the trails and will continue to be made during construction of the trails to minimize negative impact.

b. Widening of existing trails will embrace the same sensitivity as discussed above to areas where natural disturbance, either chronic or random, may be of suitable habitat for Bicknell's Thrush.

c. BTAWM recommends that ski trails should be less than 35-40m (115 feet to 131 feet) in width.

Management Goals for Post-Construction Habitat Maintenance

1. Vegetation Management

- a. Ski trail vegetation management will include the feathering of trail edges, usually the wind-exposed side of the trail. This technique will develop a space between the ski trail and trees greater than five (5) meters to include woody vegetation of heights of 0.5-2 meters or more.
- b. Regeneration cuts to keep the spruce-fir feathered edge as a dense thicket will be performed as infrequently as possible to maximize Bicknell's Thrush habitat availability and continuity.
- c. WFM will partner with Stratton Ski Center for a review of vegetation management techniques that have been administered in Stratton's efforts of Bicknell's Thrush habitat management.

2. Glade Management

- a. Cleared vegetation on existing Glade trails will not be expanded beyond the current limits. Existing Glade trails will be kept as narrow as possible.
- b. Remaining patches of understory will be left in place when possible and minimally altered as required.
- c. New Glade disturbance will minimize understory removal.
- d. Annual maintenance will ensure that some young saplings are retained in order to allow continual recruitment for older age trees.
- e. Efforts will continue to prevent all unauthorized glade trail establishment and maintenance, or unauthorized habitat alteration.

3. Island Sizing and Spacing

- a. Islands will be designed to avoid small sizing. Size will be maximized and number of islands will be limited to facilitate movement of Bicknell's Thrush among suitable habitat patches and provide increased nesting opportunities.

4. Timing of Vegetation Management

- a. Timing of vegetation management in areas of Bicknell's thrush breeding habitat will be delayed until August 1 after most nesting activity has been completed.

5. Bicknell's Thrush Habitat Management Plan

a. A Bicknell's Thrush Habitat Management Plan is being developed and employed at Whiteface Mountain Ski Center. The management plan will be developed in the same spirit of cooperation as were the mitigation efforts presented in this document. DEC, APA, VINS, Audubon New York and WCS will assist WFM in the development of this plan. The plan will include items such as: GPS Identification, Scheduling, Orientation of Staff, Collaboration with other Ski Areas that have experience in these efforts, Periodic Evaluation and Review, and all other positive means the group determines to have a value at obtaining the program goals.

Recommendations for Project Mitigation

1. Mapping of Bicknell Thrush Habitat

a. Habitat for Bicknell's Thrush is inherently patchy and dynamic. Because Bicknell's Thrush respond to natural disturbances that are sometimes ephemeral in nature, it is difficult to accurately predict whether or not Bicknell's Thrush will occupy a given area. Regardless of whether a habitat classification is accomplished by means of satellite imagery or high-resolution aerial photographs, there will still be considerable inaccuracy in estimating the amount of habitat that is actually occupied.

2. No Net Loss Mitigation

a. No net loss of Bicknell's Thrush habitat will be achieved by the creation of potential new habitat during the construction of new trail systems. Trail edges will be opened up and/or feathered to allow suitable habitat to grow. The planting of balsam fir seedlings will be targeted in areas that have potential for creating habitat.

b. Ski lift openings will be included in the Bicknell's Thrush Habitat Management Plan. Edges will be feathered to develop new habitat when allowed by NYS Department of Labor ski trail construction regulations.

c. Passive revegetation through natural succession will be embraced on existing trails that become obsolete. This process has begun at Trail #52 "Yellow Brick Road" which is at an elevation above 3,650 feet.

d. Restoration and new trail construction will include planting of balsam fir seedlings and saplings.

3. Consolidation of Habitat Islands

a. Consolidation of existing small, adjacent habitat fragments (<0.1ha) into single, large blocks will be targeted as part of the passive revegetation planning. This process has begun at Trail #52 "Yellow Brick Road". The elimination of this trail will allow for the development of a larger potential habitat.

4. Protection of Mitigation Sites

a. Sites selected for forest regeneration will be protected with barriers from skier traffic and accidental passes by mechanized equipment.

b. Protection barriers will include conspicuous signage to inform potential users about the closure and will educate them about its benefits.

5. Habitat Development Standards

a. VINS in the BTAWM recommends that the development of standards to evaluate the success of the habitat restoration efforts is needed. The standards need to include explicit objectives for restoration:

- Timeline and measures to objectively determine success
- Continuing field surveys to monitor progress
- Contingency plan to address any failures in the restoration efforts
- Evaluation Standards

Currently there are no standards or explicit protocols to guide restoration of montane forest habitat. ORDA and WFM will continue to partner with the NYSDEC, APA, VINS, Audubon New York and WCS and establish Such protocols. Habitat Restoration and Evaluation Standards shall be included in the Bicknell's Thrush Habitat Management Plan to ensure a holistic approach.

6. Hispaniola Wintering Grounds

a. The recommendation for the State of New York to contribute to a fund in the Dominican Republic to protect forest vegetation is not a measure that ORDA is able to authorize or in which it can participate.

b. The promotion of public awareness to the activities affecting the Bicknell's Thrush in the Dominican Republic is an activity in which ORDA is available to participate. ORDA will provide opportunities to non-for-profit groups to host informational and fund-raising events at ORDA venues. Additionally, ORDA will work to include information on the Hispaniola wintering grounds for the Bicknell's thrush in the conservation educational opportunities. ORDA and the DEC will work with stakeholder groups to develop a

public/private partnership to create a mitigation fund for Bicknell's Thrush wintering habitat on the island of Hispaniola. ORDA and DEC will form part of a steering committee with non-profit 501©3 organizations, including: the Adirondack Council, Audubon New York, Cornell Laboratory for Ornithology, the Nature Conservancy, Vermont Institute of Natural Sciences, and the Wildlife Conservation Society to develop interpretative kiosks and other information at the Whiteface ski facilities to promote Bicknell's Thrush habitat conservation. A mitigation fund dedicated to protection actions by Hispaniola non-profit conservation organizations focusing on the wintering range will be established and administered through a non-governmental fiduciary agent, such as the Adirondack Community Trust. The initial mitigation fund will be supplemented by a broad-based approach to securing additional public and private funds for this purpose.

Recommendations for Population Monitoring

1. Sampling Methods

a. After a comprehensive review of available monitoring options expressed in the BTAWM and meetings with VINS and the WCS, it was agreed that a standard point count sampling method would be endorsed. The WCS used this method for the 2004 and 2005 monitoring season (see WCS reports: "Use of Whiteface Mountain by Bicknell's Thrush and other Montane Forest Birds Species" (Glennon and Karasin 2004) and "Use of Whiteface Mountain by Bicknell's Thrush and other Montane Forest Birds Species" (Glennon and Karasin 2005)).

2. Monitoring

a. The short-term monitoring program includes immediate implementation of mitigation measures such as a limited construction season above 2,800 feet and updates to contract documents informing everyone working on-site is aware of this species of special concern. The intent of the short-term program is to obtain a third season of data collection before disturbance to the TIP area and a season of monitoring after disturbance is incurred. Work in other trail areas detailed in this Amendment may start before the third season of data collection.

b. A long-term monitoring program has not been completely established. Mountain Bird Watch will continue to be active on Whiteface Mountain and that post construction monitoring will be required to fully document the impact of the TIP project. A Bicknell's Thrush Population Management Plan will be developed for Whiteface Mountain Ski Center. The plans for long-term monitoring of Bicknell's Thrush be integrated into the Bicknell's Thrush Habitat Management Plan, such that habitat evaluation and thrush monitoring be coordinated in an adaptive management framework.

c. The management plan will be developed in the same spirit of cooperation as were the mitigation efforts presented in this document. DEC, APA, VINS, Audubon New York and WCS will assist WFM in the development of this plan.

Opportunities for Conservation Education

1. Development of Informational Displays

a. WFM has developed several informational displays to educate visitors about the Bicknell's Thrush and other montane forest bird species. Displays are present not only at Whiteface Mountain, but also on ORDA's website and at other ORDA venues.

b. ORDA will develop an informational display that can be used at other venues to educate visitors about the Bicknell's Thrush and other montane forest bird species.

c. DEC will work to help secure funds for kiosks.

2. Public Programs

a. WFM will work with the New York State Department of Environmental Conservation and the Adirondack Park Agency Visitors Interpretation Centers to Develop a partnership in developing public programs on montane forest ecology.

3. Summer Field Trips

a. WFM has expanded its weekly nature walks to a daily nature walk program for the summer operating season.

4. Develop Booklets and Brochures Summarizing the Ecology of WFM.

a. The Whiteface Wildlife program was started in 2003 and provides visitors a brochure detailing wildlife on WFM.

b. A web page will be added to the WFM and ORDA web sites. The page will detail the Whiteface Wildlife program and other environmental stewardship efforts.

3. Tree Cutting

Tree counts in this section relate only to constitutionally authorized ski trail widening and construction. The following table summarizes the tree cutting on Forest Preserve lands that will be needed to construct the proposed management actions. Detailed tree cutting data is in **Exhibit 5**. Total affected area is 12.5 acres of the 2,910-acre intensive use area.

The net number of trees greater than 3 inches to be cut is 3,335 and the net cutting of 1-3" dbh is 6,593.

These numbers of trees to be cut are reduced over the numbers contained in the Public Draft of this UMPA because the tree cutting associated with management actions that were previously

approved, but no longer proposed as part of this 2021 UMPA are now included in the calculations (they were not included in the Public Draft).

Tree Counts - 2021 Whiteface UMPA			Tree Counts - Homologated Trails		
Management Action	>3"	1-3"	>3"	1-3"	
Upper Thruway	1,828	4,055	6,097	13,517	
Upper Parkway	958	2,124			
Lower Thruway	2,524	5,600			
Burton's	787	1,738			
Lift D	1,408	1,738			
Trail 93 under Lift D	1,789	580			
Yellow Dot	73	81			
Wildway	90	7			
High Woods Road	678	1,661			
2200 Road	451	34			
Danny's Bridge	440	378			
Brookside	1,108	359			
NYSEF Expansion	110	36			
SUBTOTAL NEW ACTIONS	12,244	18,391			
(-) Trail 88	1,608	1,389			
(-) Trail 89	1,360	2,144			
(-) Lift B Replace/Extend	1,544	811			
(-) Lift I Realignment	2,209	2,024			
(-) Trail 30 Widening	711	3,732			
(-) Lift C Realignment	1,457	1,698			
SUBTOTAL NO LONGER PROPOSED	8,889	11,798			
NET	3,355	6,593			

For just the trees to be cut for the new management actions proposed in this UMPA (not taking into account previously approved management actions that have been abandoned in 2021) 50% of the > 3" dbh trees to be cut are associated with the homologation of race trails, while nearly ¾ (73%) of 1-3" dbh to be cut are associated with the homologated race trails.

International ski race course such as those that will be used for the 2023 World University Games, must meet international dimensional course standards, including trail widths, which provide a suitable race course and are protective of ski racer safety (which is also protective of recreational skier safety). Of the total new tree clearing proposed for all new management actions in the draft UMP, the vast majority of the total trees to be cut are for widening of existing trails in order to meet Federation Internationale de ski (FIS, International Ski Federation) trail homologation standards involving the existing Upper Thruway, Upper Parkway, Lower Thruway and Burtons ski trails.

Cutting will occur over a two year time period. All of this cutting will take place outside of any critical habitats, including outside of any Bicknell's thrush habitat. All cutting will be performed in accordance with the DEC Tree Cutting Policy.

4. Lower Mountain Habitat Fragmentation

Regarding fragmentation of habitats on lower elevations on Whiteface as a result of hiking trail and mountain biking trail construction, these proposed activities will be occurring in the context of an already highly disturbed landscape within this Intensive Use Area, and over half of the proposed hiking and mountain biking trails make use of existing trails at Whiteface and do not require tree cutting.

Since the landscape into which new hiking and mountain biking trails will be introduced at lower elevations is already highly fragmented, and because half (1/2) of these narrow trails will make use of currently disturbed areas, lower mountain habitat fragmentation is not viewed as a significant issue.

H. Impact on Agricultural Resources

No impacts associated with the proposed management actions were identified.

I. Impact on Aesthetic Resources

Changes in views of Whiteface from/near Route 86 because of the new management actions were assessed from 3 locations: at the entrance to Whiteface, on Fox Farm Road approaching the Route 86 intersection, and on Route 86 between Jay and Wilmington where there is a view of the mountain and its surroundings across an open field. Existing conditions photographs

from these three locations, along with graphics illustrating new management actions within the views from the three locations are in **Exhibit 7**. Portions of the new lift will be visible from all 3 locations and part of the new Yellow Dot Trail will be visible from near the entrance, but not the other 2 locations. This additional development will not cause any significant visual impacts because the new management actions will be visible within the context of the existing lifts and trails currently visible on Whiteface.

J. Impact on Historic and Archeological Resources

NYS Office of Park Recreation and Historic Preservation (OPRHP) has determined that the proposed management actions in the 2021 UMPA will not impact historic or archeological resources. A copy of OPRHP's April 20, 2021 determination letter is in **Exhibit 8**.

K. Impact on Open Space and Recreation

The proposed management actions in the UMPA will have positive impacts on Open Space and Recreation. Management actions aimed at improving skier satisfaction and skier safety are proposed within the context of the currently developed areas within the Whiteface Mountain Intensive Use Area. The proposed hiking trails and mountain biking trails will expand the range of recreational opportunities available at Whiteface.

L. Impact on Critical Environmental Areas

There are no designated CEAs in the area of the proposed management actions. No impacts were identified.

M. Impact on Transportation

No impacts associated with the proposed management actions were identified. The proposed management actions are not intended to significantly increase attendance which would result in greater traffic generation.

N. Impact on Energy

The new lift will require additional electric energy. The amount of additional energy required for the new lift can be supplied by the renewable energy source and the local grid that currently serve Whiteface.

O. Impact on Noise, Odor, Light

There will be noise generated by construction activities as the new management actions in this UMPA are undertaken. Trail construction and widening and lift installation will involve cutting trees and land grading with mechanical equipment that generates noise. Lift installation may also involve the use of helicopters to set the towers for the new lift. Noise-generating activities

will be short term and temporary and will occur within the interior of the intensive use area removed from sensitive noise receptors. None of the 2021 proposed management actions will be a significant source of odor or light.

P. Impact on Human Health

No impacts associated with the proposed management actions were identified.

Q. Consistency with Community Plans

Whiteface is an integral component of the Wilmington community. No inconsistencies with local land use plans were identified.

R. Consistency with Community Character

Whiteface is an integral component of the character of the Wilmington community. No impacts to community character were identified.

Section 4 Additional Permits/Approvals Possibly Required for Implementation of Management Actions

Additional permits may be required for certain management actions after the approval of this UMPA and prior to construction.

A. Waters of the US, Section 404 Clean Water Act

Areas of proposed management actions will be field investigated for the presence/absence of Waters of the US, including wetlands. The limits of any such resources identified in the field will be delineated and mapped. Management actions will be adjusted, if feasible, to avoid delineated resources. Permit applications will be filed with the US Army Corps of Engineers for any unavoidable impacts to Waters of the US.

B. NYS Regulated Wetlands, NYS ECL Article 24

There are no NYS (Adirondack Park Agency) regulated wetlands mapped for the areas of the proposed 2021 management actions. Any wetlands identified during the field investigation under “A” above will be evaluated for potential APA jurisdiction. Should any such wetlands be identified, and it is determined that there will be unavoidable wetland impacts, a permit application will be filed with APA.

C. Wild Scenic and Recreational Rivers Act, NYS ECL Article 15

The West Branch AuSable River is a State-designated Recreational River under the Rivers Act. Any project requiring the construction of a new structure or the expansion of an existing structure within ½ mile of the River is jurisdictional and requires review and the potential application for permit to NYSDEC. Permit applications will be submitted to NYSDEC for the portion of the proposed Bear Den to Legacy Lift within ½ mile of the river, for the expansion of the NYSEF building, and for the EV chargers prior to undertaking these actions.

D. SPDES Permit for Stormwater Discharges from Construction Activities, NYS ECL Article 17

Before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acres must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). ORDA will prepare a Stormwater Pollution Prevention Plan (SWPPP) that demonstrates the project complies with the General Permit and submit a Notice of Intent (NOI) to NYSDEC prior to construction.

Exhibit 1
2021 Updated Management Actions Status Master Table

Table 1 Status of Management Actions

Item #	Facility	Management Action / Improvements	Current Status
1	Ski Trails		
	Trail #	Trail Name	
	95	Yellow Dot	provide easier access to Lower Skyward off the gondola New Action Item, 2021 UMP amendment
	94	High Country Road	recut and extend the old High Country Road Trail to Lower Empire to provide better access to/from lifts and provide easier terrain from the top of Freeway New Action Item, 2021 UMP amendment
	93	Lift D trail	provide additional beginner terrain in the Bear Den area New Action Item, 2021 UMP amendment
	59a	Wildway	widen to allow better access to Mountain Run from Upper Wilderness New Action Item, 2021 UMP amendment
	61	2200 Road	widen to provide better access to/from lifts and avoids expert terrain New Action Item, 2021 UMP amendment
	20	Upper Thruway	widen to satisfy the ski racers' needs and allow for separation of racing from recreational activities New Action Item, 2021 UMP amendment
	18	Upper Parkway	widen to satisfy the ski racers' needs and allow for separation of racing from recreational activities New Action Item, 2021 UMP amendment
	21	Lower Thruway	widen to satisfy the ski racers' needs and allow for separation of racing from recreational activities New Action Item, 2021 UMP amendment, Supersedes 1996 approval
	24	Burton's	widen to satisfy the ski racers' needs and allow for separation of racing from recreational activities New Action Item, 2021 UMP amendment, Supersedes 1996 approval
	28	Danny's Bridge	widen to allow for more terrain park options and safer passage around terrain park jumps for other users New Action Item, 2021 UMP amendment
	68	Brookside	widen to allow for more terrain park options and safer passage around terrain park jumps for other users New Action Item, 2021 UMP amendment
	Previously Approved Actions - Ski Trail Construction		
	88	New Trail	New beginner trail to service extended Lift C Approved in 2018. 2021 Update: Trail no longer proposed, action abandoned.
	89	New Trail	New beginner to low-intermediate trail to increase learning area terrain Approved in 2018. 2021 Update: Trail no longer proposed, action abandoned.
	90	Coyote Cut	New connection from bottom of Moose to Bobcat will avoid/eliminate existing flat portion of Moose, improve beginner skiability. Approved in 2018. Completed in 2019.
	91	New Trail and Ski Bridge	Better beginner connection from Learning Area to Base Area, less steep than only existing connection. Includes Ski Bridge over stream. Approved in 2018. Not yet implemented.
	92	New Trail	Connection from Bear Den Lodge to Base Lodge Approved in 2018. Not yet implemented.
	12a	New Trail	New intermediate trail from Approach near Upper Mackenzie to bottom of Empire. Approved in 2018. Gladed in 2019 & 2020.
	5a	New Glade	A new 9.8-acre expert glade, Trail 5a, between Paron's Run (5), Excelsior (6), Connector (110) and Upper Cloudspin (1). Conceptual Action in 2004, remains conceptual.
	76	Lookout Loop	New trails in the Tree Island Pod Approved in 2006. (Use of existing access trail)
	74 (Lower)	New Trail	New trail within the Tree Island Pod Approved in 2006, Lower portion not yet constructed.
	75 (Upper)	New Trail	New trail within the Tree Island Pod Approved in 2006, Upper portion not yet constructed.
	73, 73a, 73b	New Trail	New trail (73b) from Gondola unloading to Approach, New intermediate trails (73, 73a) from Upper Parkway to Lower Parkway. Approved under June 2001 amendment to 1996 UMP. VINS report and field study of Bicknell's Thrush for portions above 2,800 feet completed and approved in 2006 UMP Amendment. Not started.
	C1-C6*	New Trails	Conceptual ski trails within the Tree Island Pod, consisting of several weaving and interconnected narrow (40- 80 foot wide) expert trails. Conceptual Action in 2004. Portion of the tree island pod that was not included as a formal action in 2006. Remains conceptual.
	31a	New Trail	A new trail (31A) to be built between Wolf (31) and Wolf Run (66). Approved in 1996. Construction planned for 2021. Tree counts to be re-advertised in ENB.
	38a	Paron's Run (Re-Alignment)	Re-alignment of the lower section of Paron's Run Approved in 1996, not yet implemented.
	58a	New Trail connector	Provide connection from Excelsior to Upper Valley to replace Lower Empire Approved in 1996, not yet implemented.

	Previously Approved Action - Ski Trail Widening			
	45	Easy Way	Widen to approximately 80' to improve beginner skiability.	Approved in 2018. Partially Complete.
	26	Easy Street	Widen to between 100-120' to improve beginner skiability.	Approved in 2018. Completed.
	46	Upper Boreen	Trail is currently very narrow, less than 30' wide. Widen to between 40'-100' where adjacent terrain allows	Approved in 2018. Partially Complete.
	82	Boreen loop	Widen up to 80' where terrain allows, to improve beginner skiability.	Approved in 2018. Not yet implemented.
	72	Parkway Exit	Widen up to 120' to improve congestion at the bottom of Draper's Drop during race training	Approved in 2018. Construction planned for 2021.
	71	Draper's Drop	Widen up to 135' (40m) to meet FIS homologation standards.	Approved in 2018. Construction planned for 2021.
	34	Bobcat	Widen to between 70-120' to improve connection from Boreen and beginner skiability.	Approved in 2018. Construction planned for 2021.
	36	Flying Squirrel	Widen up to approximately 100' to improve beginner skiability.	Approved in 2018. Construction planned for 2021.
	42	Runner Up	Widen narrow connector between Boreen and Moose to improve connection	Approved in 2018. Construction planned for 2021.
	43	Moose	Widen to between 100-120' to improve beginner skiability.	Approved in 2018. Construction planned for 2021.
	37	Porcupine Pass	Widen where possible to improve skiability and connection from learning area to Base area.	Approved in 2018. Construction planned for 2021.
	-	Learning Area	Widen learning area to accommodate new surface lift, improve fall line and expand learn to ski area and operations	Approved in 2018. Partially complete.
	81 (3a in 2006)	Niagara	Widen to 170' to meet FIS Downhill Homologation Standards.	Approved in 2006. Not yet completed
	30	Mixing Bowl	Widen to improve beginner skiability.	Approved in 2004. 2021 Update: Widening No Longer Proposed, Action abandoned.
	48	Ladies Bridge	Widen to meet homologation standards	Approved in 2004, Not yet completed
	49	Lower Gap	Widen to meet homologation standards	Approved in 2004, Not yet completed
	12	Upper Empire	Widen to improve skiability.	Approved in 1996, Not yet completed
	13	Upper Mackenzie	Widen to improve skiability.	Approved in 1996, Not yet completed
	15	Upper Wilderness	Widen to improve skiability.	Approved in 1996, Not yet completed
	21	Lower Thruway	Widen to improve skiability.	Approved in 1996, Not yet completed, Superseded by 2021 Action
	22	Upper Valley	Widen to 120' to improve skiability, relieve bottleneck.	Approved in 1996, Not yet completed
	23	Lower Valley	Widen short section near Mid-Station	Approved in 1996, 2004, partially completed
	24	Burton's	Widen from approx. 30' to 100' to improve skiability.	Approved in 1996, 2004. Construction planned for 2022.
	28	Danny's Bridge	Widen to improve skiability.	Approved in 1996, Completed.
	25	Broadway	Widen to meet homologation standards	Approved in 1996, 2004, Not yet completed
	27	Boreen	Widen to meet homologation standards	Approved in 1996, 2004, Not yet completed
	34	Bobcat	Widen to improve beginner skiability.	Approved in 1996, partially completed
	35	Otter	Widen to improve beginner skiability.	Approved in 1996, partially completed
	36	Flying Squirrel	Widen to improve beginner skiability.	Approved in 1996, completed.
	40	Bobcat Chute	Widen to improve beginner skiability.	Approved in 1996, not yet undertaken.
	42	Runner Up	Widen to improve beginner skiability.	Approved in 1996, not yet undertaken.
2	Ski Lifts			
	Lift D	New Bear Den to Midstation Lift with midstation offload	Install new detachable quad between Bear Den and relocated Midstation Lodge area with a midstation at Boreen around the same elevation as Lower Gap	New Action Item, 2021 UMP amendment
	Previously Approved Action - Lift Improvements			
	Lift A	Mixing Bowl	Upgrade from double chair to triple chair	Approved in 1996. 2021 Update: Improvement No Longer Proposed. Lift removed and abandoned. Work Completed.
	Lift B	Bear Lift	Extend Bear Lift Quad chair from the Base Area to an area west of Calamity Lane near Mid-Station Lodge. Install a new mid-station terminal near the top of existing top of Bear lift.	Approved in 2018. 2021 Update: New alignment no longer proposed, action abandoned.
	Lift B	Bear Lift	Upgrade from double chair to quad, lower base terminal	Approved in 1996. Construction planned for 2022. (A different alignment and extension was proposed in 2018, but abandoned in 2021.)
	Lift C	Bunny Hutch	Replace existing lift with new Quad chair, re-align and extend upper terminal uphill approximately 500'.	Approved in 2018. 2021 Update: Re-alignment of lift and extension of upper terminal 500' uphill no longer proposed. Lift replacement completed in 2021 in it's original alignment.
	Lift G	Little Whiteface	Replace double chair with with quad.	Approved in 1996, not yet implemented. Construction proposed for 2022.
	Lift H	Mountain Run	Replace double chair with with quad.	Approved in 1996, not yet implemented. Construction proposed for 2022.
	Lift I	Freeway Lift	Replace existing Freeway lift with new Quad chair extending from the Base area to the top of Upper Empire	Approved 2018. 2021 Update: New lift alignment no longer proposed. Lift will be replaced and remain in existing footprint. Work not yet started.
	Lift J	Cub Carpet	Re-align to improve learning area.	Approved in 2018. Completed.
	Lift L	New surface conveyor lift	Add new beginner conveyor lift	Approved in 2018. Completed.
	Lift N	Bear Den Transport Lift	Install transport lift from Bear Den Lodge to Base Lodge	Conceptual Action Item in 2018. Remains conceptual in 2021.
	Lift O	Parking Lot Transport Lift	Install transport lift from the Bus Lot to Lot 1 next to Base Lodge	Conceptual Action Item in 2018. Remains conceptual in 2021.

3	Buildings		
	NYSEF Building	Construct 25'x70', 2-floor addition to north side of the existing building	New Action Item, 2021 UMP amendment
	Restroom Building	Install a 2-toilet precast concrete restroom building, approx. 10'x20', adjacent to the timing building, including on-site wastewater disposal system and non-potable snowmaking water.	New Action Item, 2021 UMP amendment
	Operations Building (Formerly NYSEF/Alpine Training Center)	Demolish Building	Approved in 2018. Not yet started.
	Base Lodge		
		(b) Enclose existing deck area to provide additional cafeteria space (2,500 sf.)	Approved in 1996, not yet started.
		(c) a second retail shop (replacing 860sf. administration space)	Approved in 1996, not yet started.
		(g) Expansion of the ski patrol/first aid space (680sf.)	Approved in 1996, not yet started.
		(h) Additional offices, storage and conference space for administration (350sf.)	Approved in 1996, not yet started.
		(i) Relocation of employee lockers/lounge space to the breezeway storage space (950sf.)	Approved in 1996, not yet started.
		(j) Expansion of employee lockers/lounge space, (336sf.)	Approved in 1996, not yet started.
	Bear Den Lodge (Formerly Easy Acres)	Renovate existing building to total 16,580 Sq. Ft., Add new building as connected addition, up to 30,920 Sq. Ft. for total floor area of 47,500 sq. ft. Total Footprint is 36,335 sq. ft.	Approved in 1996, 2004, 2006. Total new footprint (existing lodge plus addition) = 28,310 sq. ft., total Floor Area = 31,110 sq. ft. Work Completed
	Fox Pole Barn	Relocate Fox Pole Barn, double the size to 3,400sf.	Approved in 2004. Not yet undertaken.
	Cloudsplitter Lodge	A new on-mountain restaurant with 355 seats (13,500 sf.) is proposed at the summit of Little Whiteface.	Conceptual Action in 2004. Remains conceptual in 2021.
	Mid Station Lodge	Relocate Mid-station Lodge approximately 150 feet to the south of its current position.	Approved in 1996. Lodge burned down in 2020, reconstructed +/- 150 feet north of original location. Work Complete.
	Don straight's Bldg.	Double the size of Don Straight's building to 720sf.	Approved in 1996. Not yet undertaken.
4	Snowmaking		
	Water System Improvements		
		Build New Reservoir near Snowmaking Pump House	Conceptual in 2018, remains conceptual in 2021.
		Reconfigure PH 1 Intake	Approved in 2004, Completed
		New snowmaking reservoir adjacent to Upper Boreen	Conceptual action in 2004, remains conceptual in 2021.
	Snow Guns and Hose	Hose repair / replacement	Approved in 1996, Ongoing
5	Utilities		
	Drainage	Replace Culvert #2 with a vehicular bridge	Approved in 2018, not yet started.
		Install Debris Control Structures upstream of culverts in accordance with plans	Approved in 2004, not yet implemented.
	Potable Water	Develop new source of water for Base Lodge	Conceptual Action in 2004. Remains conceptual in 2021.
		Develop new source of water for Cloudsplitter Lodge	Conceptual Action in 2004. Remains conceptual in 2021.
	Sanitary Wastewater	Develop new wastewater disposal system for the Cloudsplitter Lodge	Conceptual Action in 2004. Remains conceptual in 2021.
6	Parking / Circulation		
	Lot #1	Install Electric Vehicle (EV) chargers	New Action Item, 2021 UMP amendment
	Lot #4, Bear Den Lodge Drop Off Area	Improve circulation at Bear Den Lodge drop off area, reconfigure parking.	Approved in 2018, partially complete.
	Bus Lot	Expand Lot to accommodate approx. 100 additional cars	Approved in 2018, not yet implemented.
	Maintenance and Staff Access Road	New access road from Lot 5 to Maintenance	Approved in 2006, not yet constructed
	Bus Drop Off	Structure a bus drop off lane along access road on right, after bridge	Approved in 2004, not yet implemented.
	Lot #3	3-Acre expansion on North End	Approved in 1996, not undertaken. (Note: A large portion of the proposed expansion area is not within the Whiteface Intensive Use Boundary. The area within the boundary available for expansion is 0.83 acres (50-75 cars)
	Entrance and Base Lodge Arrival	Various alternatives to improve pedestrian and vehicular circulation between the Base Lodge and parking areas	Conceptual Action in 2004. Remains conceptual in 2021.
	Bus Parking Lot	Built new Bus Lot	Conceptual Action in 2005. Remains conceptual in 2021.

7	Other Recreatoinal		
	Mountain Biking Trails	Construct 19.48 miles of new lift-serviced mountain biking trails connecting existing WFM facilities with a trail along the river that connects with the Flume Parking Lot off NYS Route 86. Includes 6.25 miles of easiest (green) trails, 10.53 miles of more difficult (blue) trails and 2.7 miles of most difficult (black) trails.	New Action Item, 2021 UMP amendment
	Hiking Trails	Construct 4.4 miles of new lift-serviced hiking trails within the intensive use area, including a route to the summit of Whiteface Mountain from the summit of Little Whiteface Mountain, and trails to the summit of Bear Den Mountain.	New Action Item, 2021 UMP amendment

Exhibit 2
2021 Updated Trail Mileage Calculations

2021 Trail Length Data

	Trail Ref #	Trail Name	Trail Length (LF)
Existing Trails			
	60	1900 Road	806
	61	2200 Road	373
	11	Approach	1,953
	32	Bear	1,609
	4b	Blazers Bluff	591
	34	Bobcat	2,318
	40	Bobcat Chute	656
	27	Boreen	3,896
	82	Boreen loop	982
	25	Broadway	1,820
	68	Brookside	2,062
	24	Burton's	856
	47	Calamity Lane	375
	1	Cloudspin	1,721
	51	Cloudspin Cut	335
	10	Connector	814
	55	Crossover Loop	434
	28	Danny's Bridge	1,466
	33	Deer	977
	71	Draper's Drop	2,129
	26	Easy Street	2,140
	45	Easy Way	427
	85	Empire cut	270
	7	Essex	1,062
	6	Excelsior	5,162
	36	Flying Squirrel	1,407
	38	Follies	2,590
	84	Fox*	2,128
	56	Glen	520
	77	Hoyt's High	4,048
	52	John's Bypass	727
	48	Ladies Bridge	185
	79	Lookout Below	1,238
	76	Lookout Loop	N/A
	41	Loon	112
	63	Low Road	572
	58	Lower Empire	300
	49	Lower Gap	138
	14	Lower Mackenzie	1,273
	9	Lower Northway	1,554
	19	Lower Parkway	2,205
	4	Lower Skyward	2,207
	54	Lower Switchback	550
	21	Lower Thruway	1,240
	23	Lower Valley	2,128
	16	Lower Wilderness	723
	30	Mixing Bowl	624
	43	Moose	1,555
	83	Moose Cut	200
	17	Mountain Run	2,115
	81	Niagara	1,135
	25a	Off Broadway	285
	65	On Ramp	600
	35	Otter	1,703
	72	Parkway Exit	466
	5	Paron's Run	2,421
	37	Porcupine pass	471
	50	Riva Ridge	708
	29	River Run	1,019
	44	Round-a-Bout	586
	42	Runner Up	678
		Slide Out	775
	67	Summit Express	228
	78	The Wilmington Trail	9,400
	64	Tom Cat	116
	46	Upper Boreen	792
	12	Upper Empire	1,517
	13	Upper Mackenzie	1,487
	8	Upper Northway	973
	18	Upper Parkway	1,934
	3	Upper Skyward	2,222
	53	Upper Switchback	550
	20	Upper Thruway	1,174
	22	Upper Valley	2,127
	15	Upper Wilderness	976
	39	Valve House Road	275
	2	Victoria	1,986
	57	Victoria Shoot	183
	59	Weber's Way	415
	59a	Wildway	135
	31	Wolf	1,595
	66	Wolf Run	420
	90	Coyote Cut	408
		Totals (LF)	105,333
		Totals (MILEAGE)	19.95

Trails Approved, Not Yet Constructed			
	38a Lower ¹	Approved, not yet constructed	0
	38a Upper	Approved, not yet constructed	450
	58a	Approved, not yet constructed	300
	31a	Approved, not yet constructed	1580
	73	Approved, not yet constructed	1136
	73a	Approved, not yet constructed	1540
	73b ²	Approved, not yet constructed	1536
	74	Approved, not yet constructed	1793
	75	Approved, not yet constructed	2145
	91	Proposed	545
	92	Proposed	970
	12a	Proposed	1060
		Totals (LF)	13,055
		Totals (MILEAGE)	2.47
Trails Proposed in 2021 Amendment			
	94	Proposed - High Country Road	560
	95	Proposed - Yellow dot	240
	93	Proposed - Lift D Trail	500
		Totals (LF)	1,300
		Totals (MILEAGE)	0.25
Trails Previously Approved, No Longer Proposed in 2021			
	88	0	670
	89	0	1,030
		Totals (LF)	1,700
		Totals (MILEAGE)	0.32

¹ Action is to re-align portion of existing trail, no change in length proposed.

²This trail is a portion of trail 73 approved in 2004.

Exhibit 4

Side-by-Side Trails – Upper Thruway and Upper Parkway

The 2021 Unit Management Plan Amendment (UMPA) for Whiteface Mountain includes a proposal to widen the Upper Thruway and Upper Parkway ski trails. These widenings will result in Upper Parkway and Upper Thruway becoming two side-by-side, contiguous trails. The following describes and illustrates how this is an acceptable practice at Whiteface, and how the action is consistent with the 1987 constitutional amendment that limits the total amount of trails at Whiteface that are more than 120 feet wide, but less than 200 feet wide, to less than 5 miles.

Existing Conditions

Figure 1 on the following page shows the sections of Upper Thruway and Upper Parkway trails separated by a small tree island that is proposed to be removed, along with a larger tree island to be removed just further downhill. This figure is Map 2A from 2018 UMPA *Trail Inventory and Analysis* (Exhibit 5). In the *Trail Inventory and Analysis* mapping, trails and sections of trails less than 120 feet wide are shown in orange, while entire trails and sections of trails that are more the 120 feet wide, but less than 200 feet wide, are shown in brown.

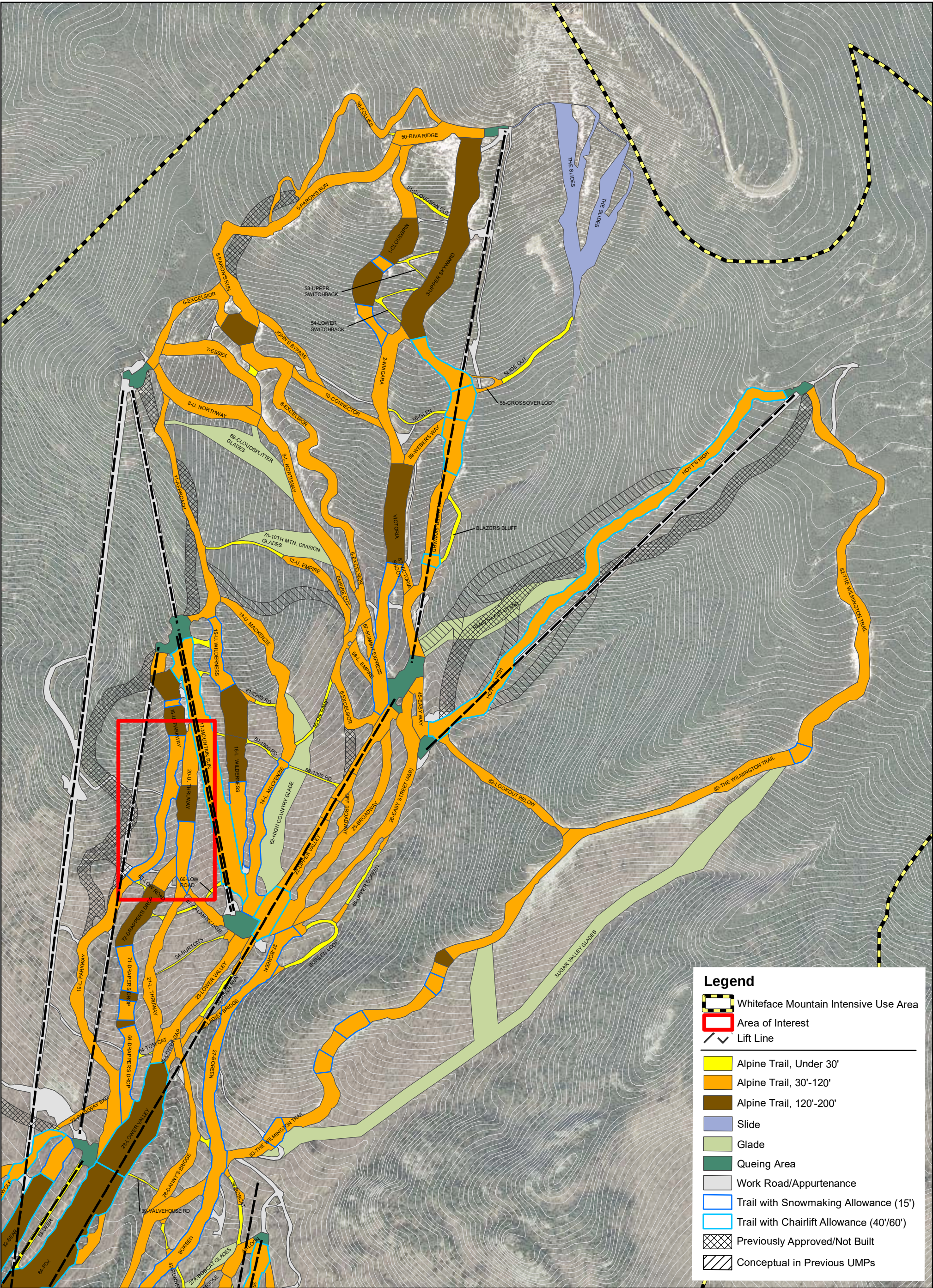
Pertinent Guidance

The 2018 *Trail Inventory and Analysis* documents how NYSDEC guidance applies to different scenarios when assessing ski trail mileage, including side-by-side, contiguous trails. This guidance was authored by Phillip Gitlen, Esq. who, at the time, was DEC's General Counsel. A full copy of the "Gitlen Memo" is contained in Exhibit 5 of the 2018 UMPA, and pertinent excerpts are presented here.

In his memorandum Mr. Gitlen opined extensively on the calculation procedure for allowed trail widths at Whiteface Mountain as allowed by the NYS Constitution Article XIV and as historically developed at the ski area. The first condition in this memorandum relates to trail width where two or more trails join together. In this instance Mr. Gitlen observed that "*where two or more trails join together they were often developed so as to be a multiple of allowable 80 ft. width...*" Several trails were found to be 200 to 300 feet wide. From this observation Mr. Gitlen concluded that "*where two or more trails join together a multiple of the constitutionally imposed width limitation may be allowable.*"

When concluding his memo, Mr. Gitlen found that "several working rules may be derived from both the past history of Whiteface Mountain and the requirements attendant with the development of a modern ski center." They include pertinent rule #2 in the following:

1. Where a lift bisects a trail, an allowance for the clearing required for the lift must be made. In such cases, a minimum of 30 additional feet of clearing is required for the lift line.
2. Where trails join together or at the junction of two trails a multiple of the 80 foot width is allowable; and
3. Sufficient clearing adjacent to ski trails can be allowed for the purposes of installing and maintaining snowmaking systems, an appurtenance to a modern ski center.



Whiteface Mountain Intensive Use Area

Area of Interest

Lift Line

Alpine Trail, Under 30'

Alpine Trail, 30'-120'

Alpine Trail, 120'-200'

Slide

Glade

Queing Area

Work Road/Appurtenance

Trail with Snowmaking Allowance (15')

Trail with Chairlift Allowance (40'/60')

Previously Approved/Not Built

Conceptual in Previous UMPs

The 2018 Trail inventory and Analysis includes the following: *In accordance with Rule #2, where two trails join together the width is either calculated as a single trail, or a multiple of the constitutional width limit. Where Draper's Drop and Lower Parkway meet and continue as a single trail to Lower Valley, the single trail section is delineated and calculated as two trails less than 120' each.*

The map shows the Zolovskaya Dacha area. A red circle highlights the 'Zolovskaya Dacha' site. The map includes various geographical features, roads, and administrative boundaries. The site is located near the Zolovskaya Dacha road and the Zolovskaya Dacha river. The map also shows the Zolovskaya Dacha area, which is a large area of land. The map is a topographic map showing the terrain and the location of the site. The map is a detailed map of the area, showing the location of the site and the surrounding area. The map is a topographic map showing the terrain and the location of the site. The map is a detailed map of the area, showing the location of the site and the surrounding area.

Example of two (2) existing side-by-side contiguous ski trails excerpted from Figure 2 of the 2018 Trail Inventory and Analysis. Draper's Drop and Lower Thruway are contiguous uphill of their intersection with Lower Valley. The blue line delineates the boundary between the 2 trails. Both trails were counted individually when calculating total trail mileage in the context of NYS Constitutional limits.

Proposed Conditions

Figure 2 on the following page shows the proposed side-by-side Upper Thruway and Upper Parkway trails. The red dividing line between the trails that will become blue is shown, and most of the trail sections are less than 120 feet wide with one short section of Upper Thruway between 120 and 200 feet wide. Each trail was counted individually towards the constitutional trail limits of less than 25 miles of total trails and less than 5 miles of trails greater than 120 feet wide.

1987 Constitutional Limits and the Proposed Side-by Side Trails

In 1987 Article XIV of the New York State Constitution was again amended authorizing Whiteface Mountain to construct, maintain and operate:

“...not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex County . . .”

With the inclusion of the new management actions proposed in the 2021 UMPA, including the side-by-side trails, the mileage of trails that are greater than 120 feet wide, but less than 200 feet wide, increases from 1.75 miles to 2.33 miles which is still well below the constitutional limit of 5 miles.

Exhibit 5
Tree Counts

2021 New Management Actions Tree Cutting Locations & Dimensions

Management Action	Trail/Lift	Name / Description	Trail Length (LF)	Average Width (ft)	Closest Transect
New Downhill Trails					
	95	Yellow Dot	260	23	5
	94	High Country Road	560	99	6
	93	Trail Under Bear Den to Midstation Lift	500	115	2
	Total		1,320		
Widen Existing Trails					
	59A	Wildway	145	30	7
	61	2200 Road	389	60	7
	20	Upper Thruway	1,366	68	8
	18	Upper Parkway	761	66	8
	21	Lower Thruway	1,464	55	8
	24	Burton's	733	55	8
	28	Danny's Bridge	498	43	3
	68	Brookside	942	59	2
	Total		6298		
New Lift					
	D	Bear Den to Midstation	4,302	50	4
	Total				
Buildings					
		NYSEF Expansion	n/a	n/a	2
	Total				

Whiteface Mountain Ski Center 2021 UMPA Tree Inventory Data

WHITEFACE MOUNTAIN TREE SPECIES	PLOT 5 Victoria (#/plot)			PLOT 6 Lower Northway (#/plot)			PLOT 7 Mt. Run (#/plot)			PLOT 8 Thruway (#/plot)		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR		15	5		8							
STRIPED MAPLE		3	2		3	1		3				
RED MAPLE												
SUGAR MAPLE						5		9	18		7	13
YELLOW BIRCH												
MOUNTAIN PAPER BIRCH		3	5			4		7	4		2	
PAPER BIRCH												
BEECH											8	3
WHITE ASH											3	4
IRONWOOD												
RED SPRUCE					3							
RED PINE												
WHITE PINE												
BIGTOOTH ASPEN												
PIN CHERRY												
MOUNTAIN ASH												
NORTHERN WHITE CEDAR												
OAK												
HEMLOCK												
TREE TOTALS (per transect)	56	21	12	88	14	10	67	19	22	133	20	20

Whiteface Mountain Ski Center 2018 & 2021 UMPA Tree Inventory Data (trees per acre)

WHITEFACE MOUNTAIN TREE SPECIES	PLOT 1 South of Mixing Bowl (1/1acre)				PLOT 2 Bear Den Lower (1/1acre)				Plot 3 Bear Den Upper (1/1acre)				PLOT 4 Lower Valley/Burtons (1/1acre)				Plot 5 Victoria (1/1plot)				Plot 6 Lower Northway (1/1acre)				Plot 7 Mountain Run (1/1acre)				Plot 8 Thruway (1/1acre)			
	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH	1-3" DBH	3-4" DBH	> 4" DBH	≥3" DBH				
BALSAM FIR																	327	109	436		174		174									
STRIPED MAPLE		88		88		88		88		88		88		44	44		65	44	109		65	22	87		65		65					
RED MAPLE			264	264		88	44	132				220	264	484																		
SUGAR MAPLE																							109	109		196	392	588		152	283	435
YELLOW BIRCH																																
MOUNTAIN PAPER BIRCH																	65	109	174				87	87		152	87	239		44		44
PAPER BIRCH																																
BEECH		264																												174	65	239
WHITE ASH																													65	87	152	
IRONWOOD																																
RED SPRUCE																																
RED PINE																																
WHITE PINE																																
BIGTOOTH ASPEN																																
PIN CHERRY																																
MOUNTAIN ASH																																
NORTHERN WHITE CEDAR																																
OAK																																
HEMLOCK		88	704	784		132	132	264				88	88																			
TREE TOTALS	334	440	1320	1752	276	440	412	852	755	396	484	880	668	308	572	880	813	457	262	719	1278	304	218	522	973	413	479	892	1931	435	435	870

WHITEFACE MOUNTAIN TREE SPECIES	PLOT 2 Bear Den Lower (#/acre)			Trail Beneath Bear to Legacy Lift			Widen Brookside			NYSEF Expansion*		
				2.1 acre	2.1 acre	2.1 acre	1.3 acre	1.3 acre	1.3 acre	0.13 acre	0.13 acre	0.13 acre
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR												
STRIPED MAPLE		88			185			114				11
RED MAPLE		88	44		185	92		114	57		11	6
SUGAR MAPLE												
YELLOW BIRCH												
MOUNTAIN PAPER BIRCH												
PAPER BIRCH												
BEECH		132	236		277	496		172	307		17	31
WHITE ASH												
IRONWOOD												
RED SPRUCE												
RED PINE												
WHITE PINE												
BIGTOOTH ASPEN												
PIN CHERRY												
MOUNTAIN ASH												
NORTHERN WHITE CEDAR												
OAK												
HEMLOCK		132	132		277	277		172	172		17	17
TREE TOTALS	276	440	412	580	924	865	359	572	536	36	45	65

* tree count at NYSEF is likely an overestimation due to the currently disturbed nature of the site

Total 1-3" DBH		974
Total ≥3" DBH		3007
Total Trees		3981

				Widen Danny's Bridge		
WHITEFACE MOUNTAIN TREE SPECIES	Plot 3 Bear Den Upper (#/acre)			0.5 acres		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR						
STRIPED MAPLE		88			44	
RED MAPLE		220	264		110	132
SUGAR MAPLE						
YELLOW BIRCH						
MOUNTAIN PAPER BIRCH						
PAPER BIRCH						
BEECH		88	132		44	66
WHITE ASH						
IRONWOOD						
RED SPRUCE						
RED PINE						
WHITE PINE						
BIGTOOTH ASPEN						
PIN CHERRY						
MOUNTAIN ASH						
NORTHERN WHITE CEDAR						
OAK			88			44
HEMLOCK						
TREE TOTALS	755	396	484	378	198	242

Total 1-3" DBH		378
Total <u>></u> 3" DBH		440
Total Trees		818

			Bear Den to Legacy Lift			
WHITEFACE MOUNTAIN TREE SPECIES	PLOT 4 Lower Valley/Burttons (#/acre)			1.6 acres		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR						
STRIPED MAPLE			44			70
RED MAPLE						
SUGAR MAPLE		220	264		352	422
YELLOW BIRCH						
MOUNTAIN PAPER BIRCH						
PAPER BIRCH						
BEECH		88	264		141	422
WHITE ASH						
IRONWOOD						
RED SPRUCE						
RED PINE						
WHITE PINE						
BIGTOOTH ASPEN						
PIN CHERRY						
MOUNTAIN ASH						
NORTHERN WHITE CEDAR						
OAK						
HEMLOCK						
TREE TOTALS	668	308	572	1069	493	915

Total 1-3" DBH		1069
Total >3" DBH		1408
Total Trees		2477

				Yellow Dot Trail		
WHITEFACE MOUNTAIN TREE SPECIES	PLOT 5 Victoria (#/acre)			0.1 acres		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR		327	109		33	11
STRIPED MAPLE		65	44		7	4
RED MAPLE						
SUGAR MAPLE						
YELLOW BIRCH						
MOUNTAIN PAPER BIRCH		65	109		7	11
PAPER BIRCH						
BEECH						
WHITE ASH						
IRONWOOD						
RED SPRUCE						
RED PINE						
WHITE PINE						
BIGTOOTH ASPEN						
PIN CHERRY						
MOUNTAIN ASH						
NORTHERN WHITE CEDAR						
OAK						
HEMLOCK						
TREE TOTALS	813	457	262	81	47	26

Total 1-3" DBH		81
Total <u>></u> 3" DBH		73
Total Trees		154

			High Country Road Trail			
WHITEFACE MOUNTAIN TREE SPECIES	PLOT 6 Lower Northway (#/acre)			1.3 acres		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR		174			226	
STRIPED MAPLE		65	22		85	29
RED MAPLE						
SUGAR MAPLE			109			142
YELLOW BIRCH						
MOUNTAIN PAPER BIRCH			87			113
PAPER BIRCH						
BEECH						
WHITE ASH						
IRONWOOD						
RED SPRUCE		65			85	
RED PINE						
WHITE PINE						
BIGTOOTH ASPEN						
PIN CHERRY						
MOUNTAIN ASH						
NORTHERN WHITE CEDAR						
OAK						
HEMLOCK						
TREE TOTALS	1278	304	218	1661	395	283

Total 1-3" DBH		1661
Total ≥3" DBH		678
Total Trees		2339

WHITEFACE MOUNTAIN TREE SPECIES	PLOT 7 Mt. Run (#/acre)			Widen Wildway			Widen 2200 Road		
				0.1 acre			0.5 acre		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR									
STRIPED MAPLE		65			7			33	4
RED MAPLE									
SUGAR MAPLE		196	392		20	39		98	196
YELLOW BIRCH									
MOUNTAIN PAPER BIRCH		152	87		15	9		76	44
PAPER BIRCH									
BEECH									
WHITE ASH									
IRONWOOD									
RED SPRUCE									
RED PINE									
WHITE PINE									
BIGTOOTH ASPEN									
PIN CHERRY									
MOUNTAIN ASH									
NORTHERN WHITE CEDAR									
OAK									
HEMLOCK									
TREE TOTALS	67	413	479	7	42	48	34	207	244

Total 1-3" DBH		41
Total ≥3" DBH		541
Total Trees		582

				Widen Upper Thruway			Widen Upper Parkway			Widen Lower Thruway			Widen Burton's		
WHITEFACE MOUNTAIN TREE SPECIES	PLOT 8 Thruway (#/acre)			2.1 acres			1.1 acres			2.9 acres			0.9 acre		
	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH	1-3" DBH	3-4" DBH	> 4" DBH
BALSAM FIR															
STRIPED MAPLE															
RED MAPLE															
SUGAR MAPLE		152	283		319	594		167	311		441	821		137	255
YELLOW BIRCH															
MOUNTAIN PAPER BIRCH		44			92			48			128			40	
PAPER BIRCH															
BEECH		174	65		365	137		191	72		505	189		157	59
WHITE ASH		65	87		137	183		72	96		189	252		59	78
IRONWOOD															
RED SPRUCE															
RED PINE															
WHITE PINE															
BIGTOOTH ASPEN															
PIN CHERRY															
MOUNTAIN ASH															
NORTHERN WHITE CEDAR															
OAK															
HEMLOCK															
TREE TOTALS	1931	435	435	4055	914	914	2124	479	479	5600	1262	1262	1738	392	392

Total 1-3" DBH		13517
Total ≥3" DBH		6090
Total Trees		19607

Exhibit 6
Initial Stormwater Assessment for Expanded NYSEF Building

MEMO

TO: Kevin Franke

FROM: Brett Strom, P.E.

DATE: 4/30/2021

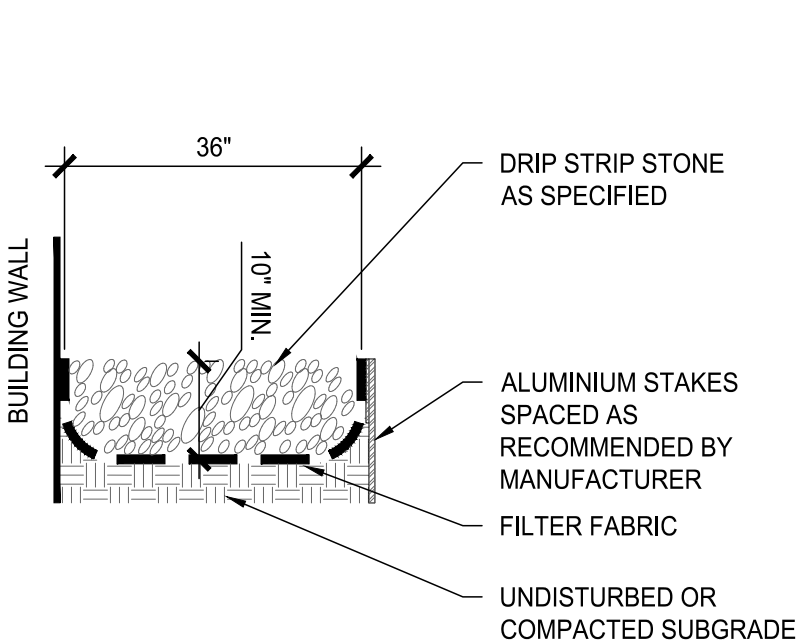
RE: NYSEF Building Addition Stormwater Evaluation - Whiteface Mountain

NYSEF wishes to construct a 70' x 25', 2-floor addition to the existing NYSEF building at Whiteface Mountain. Stormwater runoff from the building will have a net increase due to the increase in impervious area. The building addition alone does not require post construction management practice as the total disturbance does not exceed the NYSDEC Stormwater General Permit for Construction Activities (GP-0-20-001) threshold of 1.0 acre. If the building addition is to be part of a larger project onsite that has a total disturbance of greater than 1 acre, ORDA will be required to obtain coverage under the Stormwater General Permit for Construction Activities, implement a Stormwater Pollution Prevention Plan (SWPPP) and install post construction stormwater practices to meet the predevelopment stormwater runoff rates at the site.

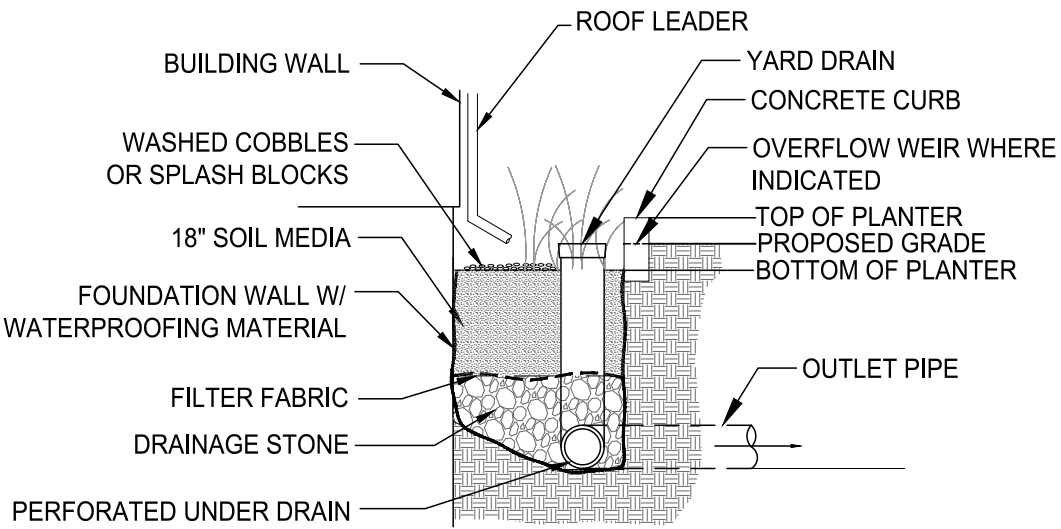
If post construction stormwater practices are required on site, test pits should be completed at the NYSEF expansion area to determine the infiltration rates of the underlying soil. Results of the test pits will determine if an infiltration practice can be installed adjacent to the building or if the runoff from the building addition will require conveyance of to a separate stormwater practice onsite.

Prior to construction, erosion and sediment control practices will be required to prevent erosion of disturbed soils from reaching the nearby stream (i.e. silt fencing). These practices are to be monitored throughout the duration of construction and only removed once the contributing watershed has reach final stabilization in accordance with the NYSDEC stormwater permit.

See the attached Figure showing the proposed NYSEF building addition, conceptual stormwater management practices and erosion and sediment control practices that would be required to complete the construction.



1 STONE DRIP STRIP
 SCALE: NTS



2 STORMWATER PLANTER
 SCALE: NTS

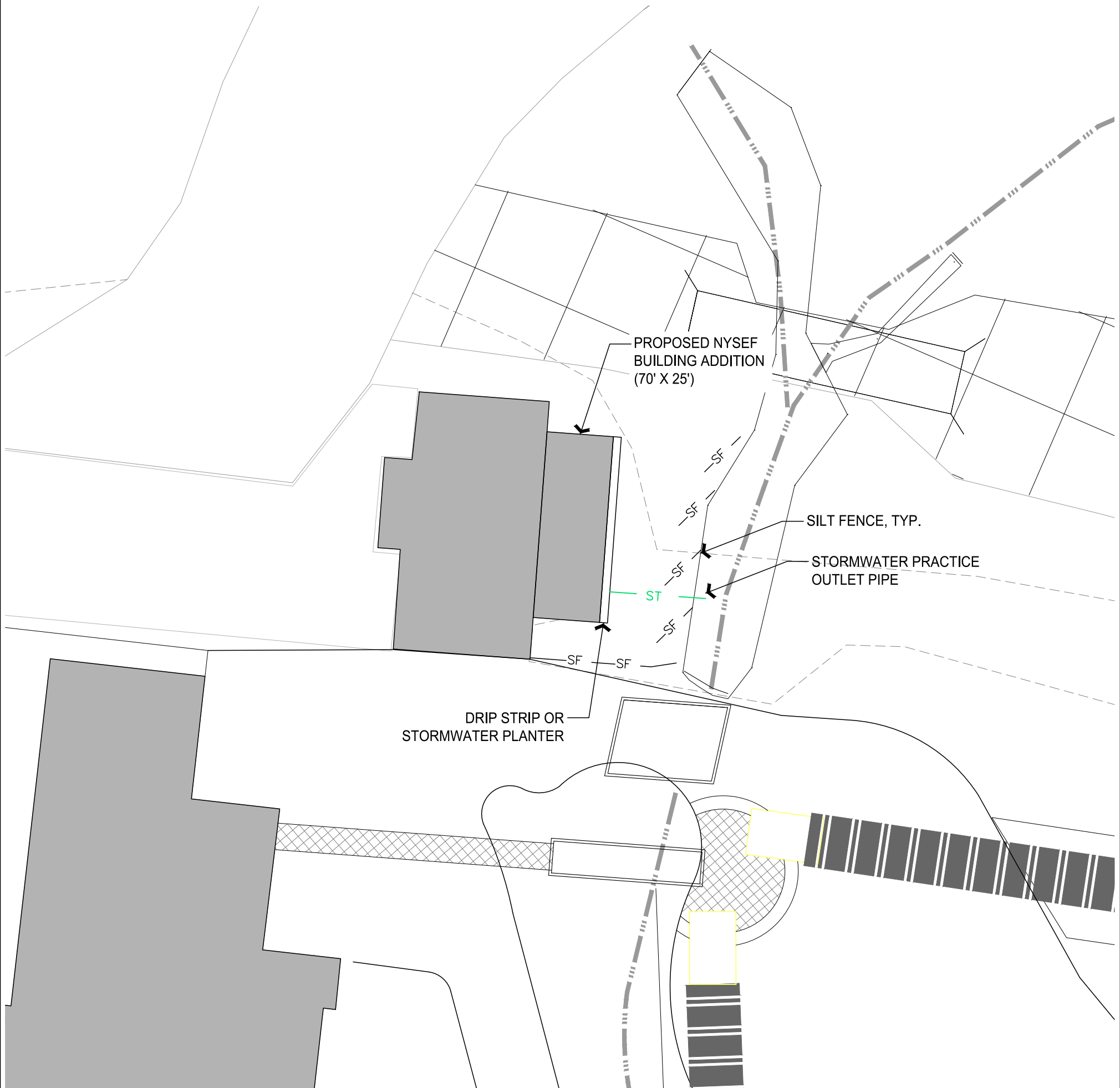
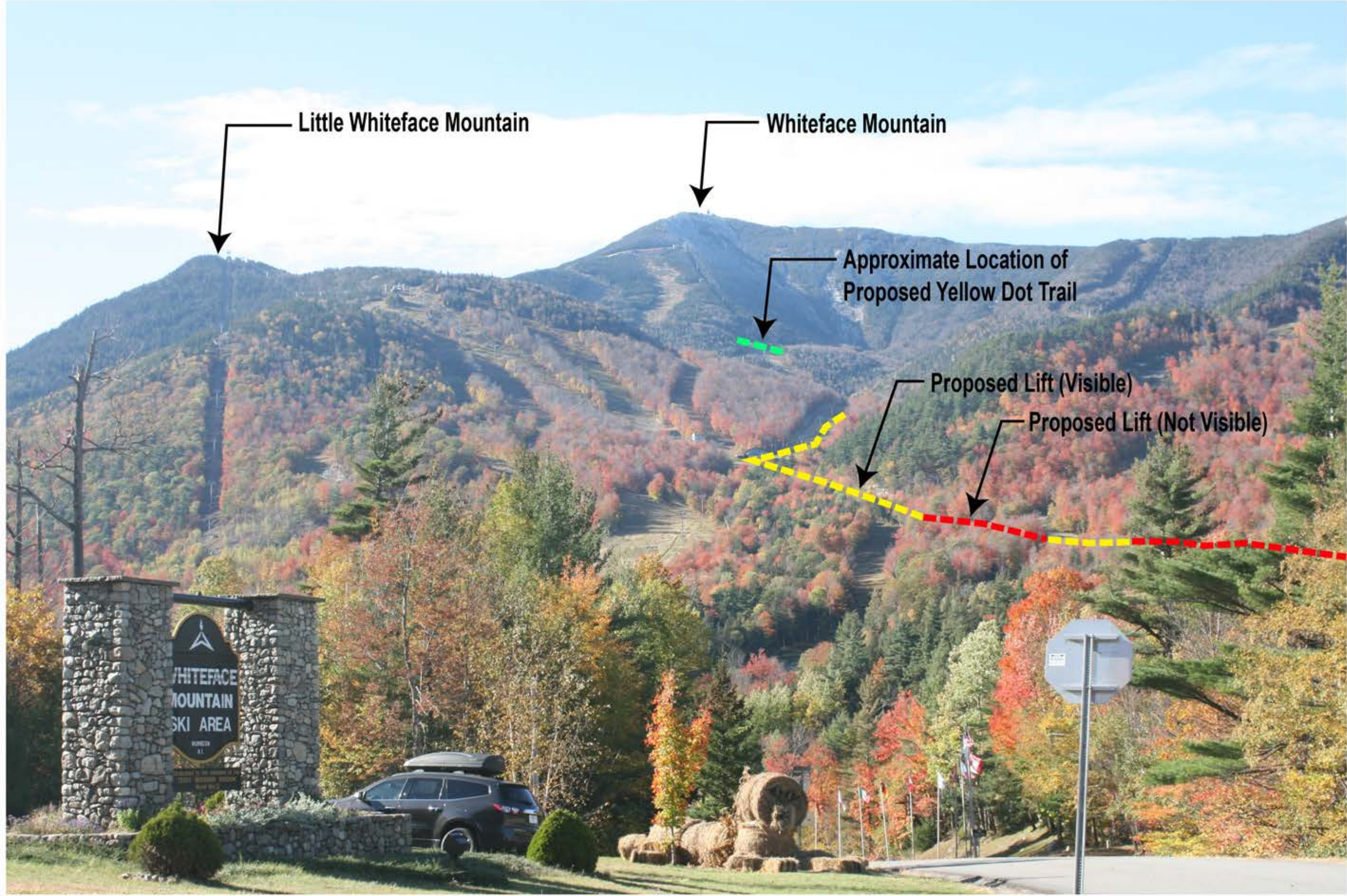


Exhibit 7

Visibility Assessment of Proposed Bear Den to Mid Station Lift









Little Whiteface Mountain

Proposed Lift (Visible)

Proposed Lift (Not Visible)



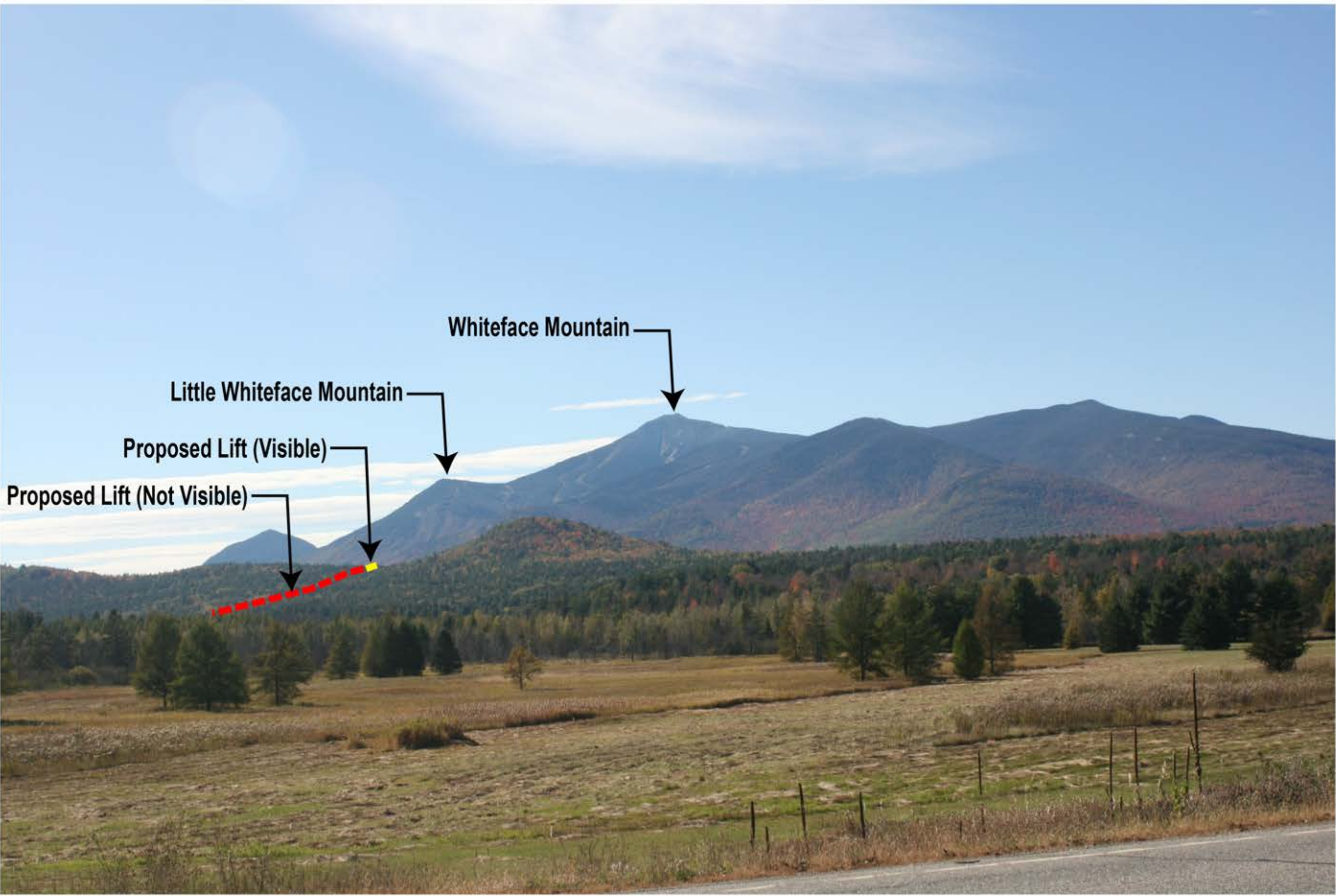


Exhibit 8
Correspondence



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

April 20, 2021

Robert Fraser
The LA Group, P.C.
40 Long Alley
Saratoga Springs, NY 12866

Re: USACE
Whiteface Mountain: 2021 Unit Management Plan Draft Amendment
Town of Wilmington, Essex County, NY
21PR02537

Dear Robert Fraser:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, reading "R. Daniel Mackay".

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

June 4, 2021

Robert Fraser
The LA Group, P.C.
40 Long Alley
Saratoga Springs, NY 12866

Re: Whiteface Mountain - 2021 Unit Management Plan Draft Amendment
County: Essex Town/City: Wilmington

Dear Robert Fraser:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project sites.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the projects and the conditions at the project sites, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 5 Office, Division of Environmental Permits, at dep.r5@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



**The following rare plants, rare animals, and significant natural communities
have been documented at the project site, or in its vicinity.**

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animal, while not listed by New York State as Endangered or Threatened, is rare in New York and is of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Birds			
Bicknell's Thrush <i>Breeding</i>	<i>Catharus bicknelli</i>	Special Concern	Imperiled in NYS
Whiteface and Esther Mountain, Spring 2012. The birds were encountered in a mountaintop fir forest.			

12240

The following natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Upland/Terrestrial Communities			
Mountain Spruce-Fir Forest			High Quality Occurrence of Rare Community Type and Globally Uncommon
Whiteface Mountain: A large forest with high quality sections, but also with portions sustaining moderate to high disturbance well connected to a large landscape of moderate to high quality.			
Mountain Fir Forest			Rare Community Type and Globally Uncommon
Whiteface Mountain: This is a large occurrence with large undisturbed areas yet bisected by a seasonally active, paved road and partially cleared for ski trails in one section. It is within a large, high-quality landscape.			

2875

12624

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

Exhibit 9
SEQRA Documentation

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Whiteface Mountain 2021 Unit Management Plan (UMP) Amendment		
Project Location (describe, and attach a general location map): West of NYS Route 86, south of the intersection with Fox Farm Road, Town of Wilmington, Essex County		
Brief Description of Proposed Action (include purpose or need): The action consists of the the installation of a new ski lift between the Bear Den area and the area around Midstation (Legacy) Lodge, widening 8 existing ski trails with a total area of 9.4 acres, and construction of 3 new connector ski trails totaling 0.25 mile. Two previously approved trails that are not yet constructed (88 and 89) totaling 0.32 mile are no longer proposed. A 25' x 70' expansion of the existing NYSEF building is also proposed. A new restroom building near the timing building is proposed. Trails for hiking and mountain biking are also proposed. Three EV charging stations will be installed. The purpose and need for UMP Amendment, including the new management actions, is the on-going improvement and modernization of facilities at Whiteface that will add to public accessibility, increase user safety, and enhance recreational pursuits while simultaneously complying with the Adirondack Park State Land Master Plan and Article XIV of the NYS Constitution. See the attached Site Location Map and the attached 2021 Whiteface Mountain UMP Master Plan.		
Name of Applicant/Sponsor: NYS Olympic Regional Development Authority	Telephone: (518) 302-5314 E-Mail: ELamy@orda.org	
Address: Olympic Center, 2634 Main Street		
City/PO: Lake Placid	State: NY	Zip Code: 12946
Project Contact (if not same as sponsor; give name and title/role): Emma G. Lamy, Sustainability & Environmental Compliance Officer	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): New York State Finance Office - Fixed Cost Unit	Telephone: (518) 402-9405 E-Mail: LF.Lands@dec.ny.gov	
Address: 110 State Stret		
City/PO: Albany	State: NY	Zip Code: 12236

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☐ No	NYSAPA - UMP APSLM Compliance NYSDEC - UMP Approval, NYSHPO - historical	June 2021 June 2021, April 2021
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

New York State Forest Preserve (Intensive Use Area), 2004 Olympic Scenic Byway Corridor Management Plan

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

not applicable to NYS Forest Preserve lands

b. Is the use permitted or allowed by a special or conditional use permit? N/A ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? AuSable Valley CSD

b. What police or other public protection forces serve the project site?

NYS Police Troop B

c. Which fire protection and emergency medical services serve the project site?

Wilmimngton Fire Department, Wilmington Rescue Squad, Whiteface Ski Patrol including volunteer medical doctors

d. What parks serve the project site?

Adirondack Park (various units), Wilmington Town Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Recreational

b. a. Total acreage of the site of the proposed action? 2,910 acres

b. Total acreage to be physically disturbed? 14.6 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2,910 acres

c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 6.4 Units: acres of skiable terrain

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: 60 months

ii. If Yes:

• Total number of phases anticipated 5

• Anticipated commencement date of phase 1 (including demolition) Sept month 2021 year

• Anticipated completion date of final phase Nov month 2026 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

The widening of Upper Thruway, Upper Parkway, Lower Thruway and Burton's trails will be phased over multiple years. Other new management actions are independent of one another and will be implemented as funds are available.

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes, Construct pre-fab 10x20' restroom building at Timing Building, Expand NYSEF building	
i. Total number of structures _____ 2	
ii. Dimensions (in feet) of largest proposed structure: _____ 2 floors height; _____ 25 width; and _____ 70 length (expansion dimensions)	
iii. Approximate extent of building space to be heated or cooled: _____ 3,500 square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>No such impacts have been identified using published wetlands and waters data from NYSAPA, NYSDEC and USFWS (NWI Maps).</u> <u>All new management action areas will be field evaluated prior to construction and appropriate permit applications will be submitted to the appropriate regulatory agency(ies) for any unavoidable impacts to water/wetlands identified.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? <u>1,500</u> Square feet or <u>-----</u> acres (impervious surface) <u>-----</u> Square feet or <u>2,910</u> acres (parcel size) ii. Describe types of new point sources. <u>No new point sources proposed under the preferred option of a drip strip below the NYSEF expansion. If post construction control is required, there may be a point discharge from a bioretention area.</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>Stormwater from the NYSEF building expansion will be controlled via a drip strip or by bioretention. See the attached memo and accompanying sketch plan.</u> • If to surface waters, identify receiving water bodies or wetlands: <u>stream C-830-269</u> • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>contractor vehicles, construction vehicles, construction equipment</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>none identified</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>none identified</u>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Additional energy needed to operate the new proposed ski lift. ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ 357,120 kW ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): off-site renewable, grid iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 6:00 AM to 8:00 PM • Saturday: _____ 6:00 AM to 8:00 PM • Sunday: _____ 6:00 AM to 8:00 PM • Holidays: _____ 6:00 AM to 8:00 PM </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ up to 24 hours with snowmaking • Saturday: _____ up to 24 hours with snowmaking • Sunday: _____ up to 24 hours with snowmaking • Holidays: _____ up to 24 hours with snowmaking </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 6:00 AM to 8:00 PM • Saturday: _____ 6:00 AM to 8:00 PM • Sunday: _____ 6:00 AM to 8:00 PM • Holidays: _____ 6:00 AM to 8:00 PM	ii. During Operations: • Monday - Friday: _____ up to 24 hours with snowmaking • Saturday: _____ up to 24 hours with snowmaking • Sunday: _____ up to 24 hours with snowmaking • Holidays: _____ up to 24 hours with snowmaking
i. During Construction: • Monday - Friday: _____ 6:00 AM to 8:00 PM • Saturday: _____ 6:00 AM to 8:00 PM • Sunday: _____ 6:00 AM to 8:00 PM • Holidays: _____ 6:00 AM to 8:00 PM	ii. During Operations: • Monday - Friday: _____ up to 24 hours with snowmaking • Saturday: _____ up to 24 hours with snowmaking • Sunday: _____ up to 24 hours with snowmaking • Holidays: _____ up to 24 hours with snowmaking		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No construction only If yes: i. Provide details including sources, time of day and duration: Construction vehicles and construction equipment will operate during daytime hours from April through November	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☒ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ 1 tons per _____ year (unit of time) • Operation : _____ 5.12 tons per _____ year (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: ORDA and their contractors shall be responsible for removal of debris, rubbish, excess materials, etc. from the site. All non-hazardous construction materials shall be recycled or disposed in a legal manner. _____ • Operation: Promote use of electronic materials over paper where practical. Continue recycling programs in all areas of operations. _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: ORDA and their contractors shall be responsible for removal of debris, rubbish, excess materials from the site. All non-hazardous materials shall be recycled or disposed of in a legal manner. _____ • Operation: Dumpsters and recycling bins on site, then off site disposal at an approved facility _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)

☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Campgrounds

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	18.4	18.5	+0.1
• Forested	1994.8	1980.2	-14.6
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	246.2	260.7	+14.5
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	14.4	14.4	0
• Wetlands (freshwater or tidal)	56.2	56.2	0
• Non-vegetated (bare rock, earth or fill)	580	580	0
• Other Describe: <u>None</u>			

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v. Is the project site subject to an institutional control limiting property uses? ☒ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

There are no institutional controls associated with hazardous materials. Controls on the use of the site are the Adirondack Park State Land Master Plan and Article XIV of the NYS Constitution. There is also a 2013 NYSDEC-ORDA Consolidation Agreement involving preparation of UMPs.

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 0 to >6 feet

b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ +/- 25 %

c. Predominant soil type(s) present on project site:

Ricker-Couchsachraga-Skylight	20 %
Rawsonville-Hogback-Knoblock	20 %
Others	60 %

d. What is the average depth to the water table on the project site? Average: _____ >6 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 5 % of site
☒ Moderately Well Drained: _____ 5 % of site
☒ Poorly Drained _____ 90 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 2 % of site
☒ 10-15%: _____ 8 % of site
☒ 15% or greater: _____ 90 % of site

g. Are there any unique geologic features on the project site? ☒ Yes ☐ No
If Yes, describe: Whiteface Mountain Summit (cirques and aretes), High Falls Gorge

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 830-285,830-257, 830,269, 830-270, 830-119 Classification AA-S, C(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size Various
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Mapped Zone A adjacent to West Branch AuSable River - no actions within ☒ Yes ☐ No

j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____ large and small mammals _____ neotropical bird species _____ other migratory birds _____ resident bird species _____ amphibians and reptiles _____	
n. Does the project site contain a designated significant natural community? ☒ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ Communities: Ice Cave Talus, Open Alpine, Alpine Krummholz, Mountain Spruce-Fir, Mountain Fir _____ ii. Source(s) of description or evaluation: <u>EAF Mapper & NY Natural Heritage Program 6/4/21 correspondence</u> iii. Extent of community/habitat: • Currently: _____ 18.0, 5.8, 22.2, 5884.0 acres 1344.0 • Following completion of project as proposed: _____ unchanged acres • Gain or loss (indicate + or -): _____ unchanged acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☒ Yes ☐ No If Yes: i. Species and listing: _____ Bicknell's thrush is listed as a special concern species in NYS according to NY Natural Heritage Program _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☒ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ Action will not affect recreational access to West Branch AuSable River or local Forest Preserve Lands and the waters within them _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No
 If Yes: See the attached April 20, 2021 letter from NYSOPRHP stating that the action will not impact historic or archeological resources.

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District
 ii. Name: Whiteface Veterans Memorial Highway Complex (toll road)
 iii. Brief description of attributes on which listing is based:
architecture, engineering, entertainment/recreation, landscape architecture, transportation

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☒ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No
 If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No
 If Yes:
 i. Identify resource: Olympic Scenic Byway (NYS Route 86)
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): scenic byway
 iii. Distance between project and resource: _____ <1 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☒ Yes ☐ No
 If Yes:
 i. Identify the name of the river and its designation: West Branch AuSable River
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☒ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

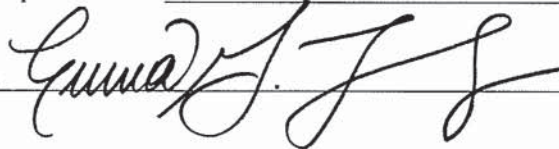
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Emma G. Lamy

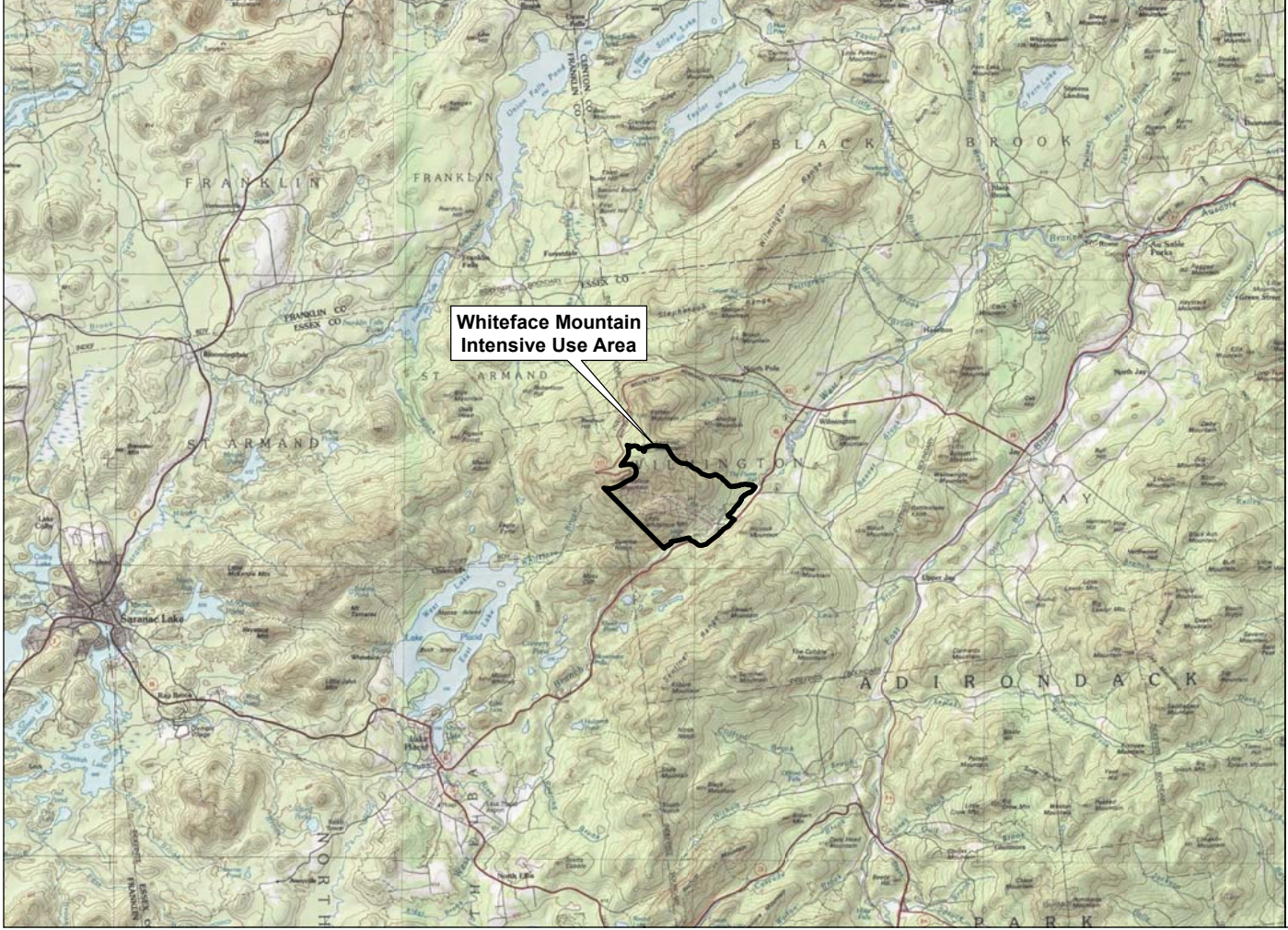
Date 04 AUGUST 2021

Signature



Title Sustainability and Environmental Compliance Officer

PRINT FORM



Whiteface Mountain
Intensive Use Area

The LA GROUP

OLYMPIC REGIONAL
DEVELOPMENT AUTHORITY

WHITEFACE
LAKE PLACID

Whiteface Mountain: 2021 Unit Management Plan Amendment

Site Location Map

Scale
0 1 2 Miles

North Arrow

Sheet 1 of 1

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : WFM 2021 UMPA
Date : February 22, 2022

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒ no	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☒
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☒
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒ no	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒ small	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☒
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒ no	☐
h. Other impacts: <u>none identified</u>		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
The peak of Whiteface Mountain is considered a unique geological feature consisting of cirques and aretes according to NYSDEC's Environmental Resource Mapper (ERM). No activities are proposed in or near the unique geological feature.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☒ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☒ no	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☒ no	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☒ no	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☒ no	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☒ upland erosion
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☒ no	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☒ no	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☒
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☒
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☒ no	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☒ no	☐

I. Other impacts: <u>none identified</u>		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: <u>none identified</u>		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals *** any actions in spruce-fir or >2,800' The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☒ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
Bicknells thrush is a NYS special concern species and not a listed federal species.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒ no	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒ no	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒ small	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒ small	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒ no	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: <u>NY Natural Heritage Program/NYSDEC and current master plan</u>	E2n	☒ no	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒ no	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: <u>>10 acres of non-spruce fir habitat <2800' elevation</u> <u>0.85 miles of hiking trails proposed through spruce fir habitat @ >2,800' (Bicknell's thrush)</u>	E1b	☒ small	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒ no	☐
j. Other impacts: <u>none identified</u>		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: <u>none identified</u>		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10. ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☒ small	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☒ no	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	small ☒ ☒	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	small ☒ ☒	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☒ no	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile the action is proposed to occur in an existing, developed ski area 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☒ small	☐
g. Other impacts: <u>none identified</u>		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11. ☐ NO ☒ YES				
Whiteface Memorial Highway Complex is on the State and Federal registers of historic places. No activities are proposed in or near the highway or associated structures.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.		E3e	☒ no	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.		E3f	☒ no	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____		E3g	☒ no	☐

d. Other impacts: <u>none identified</u>		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: <u>none identified</u>		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☒ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

The proposed new ski lift will require electric power.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒ no	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒ no	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒ no	☐
e. Other Impacts: <u>none identified</u> _____ _____		☐	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: <u>none identified</u> _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☒ NO☐ YES

If “Yes”, answer questions a - h. If “No”, go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If “Yes”, answer questions a - g. If “No”, proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: <u>None identified.</u> _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached negative declaration.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information :
the Proposed Final 2021 Whiteface Mountain Unit Management Plan Amendment (UMPA), including Section 3, Analysis of Potentially Significant Environmental Impacts, and supporting technical information in Exhibits 1 - 11 of the 2021 UMPA. The 2004 UMPA, 2006 UMPA, and the 2018 UMPA for Whiteface Mountain that are incorporated into the 2021 UMPA by reference were also reviewed.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
NYS Olympic Regional Development Authority _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

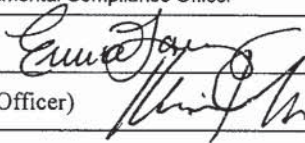
☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Whiteface Mountain 2021 Unit Management Plan Amendment

Name of Lead Agency: NYS Olympic Regional Development Authority

Name of Responsible Officer in Lead Agency: Emma Lamy

Title of Responsible Officer: Sustainability and Environmental Compliance Officer

Signature of Responsible Officer in Lead Agency: 

Date: 02/22/2022

Signature of Preparer (if different from Responsible Officer) 

Date: 02/23/22

For Further Information:

Contact Person: Kevin Franke, The LA Group

Address: 40 Long Alley, Saratoga Springs, NY, 12866

Telephone Number: (518) 587-8100

E-mail: kfranke@thelagroup.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: March 1, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Olympic Regional Development Authority (ORDA), as lead agency, has determined that the proposed action below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Whiteface Mountain 2021 Unit Management Plan Amendment (UMPA)

SEQR Status: Type I

Description of Action: The action consists of the installation of a new ski lift between the Bear Den area and the area around Midstation (Legacy) Lodge, widening 8 existing ski trails with a total area of 9.4 acres, and construction of 3 new connector ski trails totaling 0.25 mile. Two previously approved trails that are not yet constructed (88 and 89) totaling 0.32 mile are no longer proposed. A 25' x 70' expansion of the existing NYSEF building is also proposed. Trails for hiking and mountain biking are also proposed. A new prefabricated restroom building will be installed near the timing building. Three electric vehicle (EV) charging stations will be installed in the Base Lodge area.

The purpose and need for a UMP Amendment, including the new management actions, is the on-going improvement and modernization of facilities at Whiteface Mountain that will add to public accessibility, increase user safety, and enhance recreational pursuits, while simultaneously complying with Article XIV of the NYS Constitution and the Adirondack Park State Land Master Plan.

Location: Whiteface Mountain, 5021 NYS Route 86, Wilmington, NY 12997

Reasons Supporting this Determination: Careful and thorough consideration of the proposed action revealed the following:

1. No potential impacts were identified for the following topics in Part 2: geological features, groundwater, flooding, air, agricultural resources, open space and recreation, critical environmental areas, transportation, noise odor & light, human health, consistency with community plans, and consistency with community character.
2. Small potential impacts were identified for the following Part 2 topics: plants & animals, aesthetic resources, historical & archeological resources, and energy.

A. Whiteface Mountain contains habitat for the New York State species of special concern, Bicknell's thrush. Four (4) proposed hiking trails, or sections of these trails, are located in areas of mountain spruce fir forest and potential Bicknell's thrush habitat (>2,800' elevation, spruce-fir forest community). See Figure 10 in Exhibit 3 of the 2021 UMPA. The proposed trail system was informed by the Master Plan Report for Hiking and Mountain Biking at Whiteface Mountain which can be found here: <https://www.dec.ny.gov/lands/90459.html>. All trails identified in the guidance document and tabulated below are subject to the DEC Work Plan Process.

Hiking Trail "I" (Top of Summit Quad Lift to the Summit) is a proposed 0.3-mile trail that would replace the existing steep, unsustainable alignment, which is essentially a straight line, steep, +/- 0.13 mile climb from the top of the Summit Lift to the summit of Whiteface Mountain. The proposed gradual Trail I would form a switch back to the summit after it connects with the existing Wilmington hiking trail. For the existing straight uphill trail connecting the top of the Summit Lift to the summit of Whiteface Mountain, Tahawus Trails estimates that the time it could take for this trail to revert back to vegetation at levels comparable to the adjacent forest would vary depending on the closure approach. With complete abandonment and no reforestation efforts, Tahawus Trails estimates 15-30 years. That time would decrease with naturalization efforts such as moving brush from the forest into the trail corridor. This would help to reduce runoff, block potential rogue trail users, and expedite the reintroduction of woody materials to the forest floor.

Trail "H" (Little Whiteface Mountain Ridge Trail) follows the northwest ridge of Little Whiteface to Parsons Run ski trail which continues up to the top of the Summit Lift and the mountain summit is beyond. This is a 0.25 mile section of proposed trail.

Trail "C" (Little Whiteface Summit Path) is an existing 0.1 mile herd path that circumnavigates the summit of Little Whiteface.

Trail "K" (Parons Run to the Bottom of the Slides) is a 0.7 mile trail that will be a combination of new trail construction and existing ski trails. New construction will involve 0.2 miles of trail constructed between Parsons Run to Niagara.

The following language regarding mitigating potential impacts to Bicknell's thrush from the 2006 UMPA is included in the 2021 UMPA (See Section 3(G)(2) of the 2021 UMPA):

The primary resource for the analysis of impacts for trail construction above 2,800 feet is the Vermont Institute of Natural Science (VINS) report titled, "Evaluating the Use of Vermont Ski Areas by Bicknell's Thrush: Applications for Whiteface Mountain, New York" (BTAWM)¹. The Executive Summary of the BTAWM states that there was *"no evidence that nest predation rates differed between ski area and natural forest plots, or that nests in either plot type were more likely to be depredated"*, and that *"we (VINS) found no significant differences in adult survivorship, nest success, or breeding productivity of Bicknell's Thrushes between ski areas and natural forests."* These findings indicate that development of ski trails on Whiteface Mountain can continue in partnership with sound environmental stewardship. The BTAWM includes recommendations for minimization of project impacts, recommendations for post-construction habitat maintenance, recommendations for project mitigation, recommendations for

¹ Rimmer, Christopher & McFarland, Kent & Lambert, J. & Renfrew, Rosalind. (2004). Evaluating the Use of Vermont Ski Areas by Bicknell's Thrush: Applications for Whiteface Mountain.

population monitoring, and introduces suggestions for opportunities for conservation education. The design and construction practices for all ski trails and other management actions over 2,800 feet elevation at WFM has embraced, and will continue to embrace, these aspects of the report. Additionally, WFM will embrace the opportunity to incorporate the BTAWM mitigation recommendations into the overall environmental stewardship program for all developed areas of the ski area over 2,800 feet.

Field monitoring by the Wildlife Conservation Society's Adirondack Communities and Conservation Program (WCS) was performed in two seasons (summer 2004, 2005) on developed, proposed to be developed, and not proposed for development areas of the mountain. Findings showed no statistically significant effect of ski trails on the presence of Bicknell's Thrush, although WCS cautioned that sample sizes were small due to the nesting behavior of Bicknell's Thrush. WCS's study at Whiteface Mountain is funded by a State Wildlife Grant with matching funds provided by ORDA.

The following text addresses the recommendation of the BTAWM report in the order that the recommendations were presented in the BTAWM report.

Methods for Avoidance of Project Impacts

1. Timing of Construction Activities

a. Tree cutting operations above 2,800 feet in terrain identified as suitable Bicknell's habitat shall be prohibited between the dates of 15 May and 01 August to minimize impacts during the active nesting cycle. Additionally, during these times, all other construction activities above 2800 feet in terrain identified as suitable Bicknell habitat shall be reviewed for potential impact. Activities that may cause negative impact to Bicknell's Thrush will be scheduled for other times.

2. Avoid Trail Construction within Suitable Bicknell's Thrush Habitat

a. Management actions should be designed to attempt to avoid areas where natural disturbance, either chronic or random, may be of suitable habitat for Bicknell's Thrush. These areas include west-facing slopes, ridgelines, fir waves and areas adjacent to fir waves that have been explored in the field with Department of Environmental Conservation staff and the Wildlife Conservation Society staff. While it is impossible to completely avoid all the above referenced areas and develop a ski trail system that provides suitable carrying capacities and adequate skier safety, all attempts have been made in the layout of the trails and will continue to be made during construction of the trails to minimize negative impact.

b. Widening of existing trails will embrace the same sensitivity as discussed above to areas where natural disturbance, either chronic or random, may be of suitable habitat for Bicknell's Thrush.

c. BTAWM recommends that ski trails should be less than 35-40m (115 feet to 131 feet) in width.

Management Goals for Post-Construction Habitat Maintenance

1. Vegetation Management

- a. Ski trail vegetation management will include the feathering of trail edges, usually the wind-exposed side of the trail. This technique will develop a space between the ski trail and trees greater than five (5) meters to include woody vegetation of heights of 0.5-2 meters or more.
- b. Regeneration cuts to keep the spruce-fir feathered edge as a dense thicket will be performed as infrequently as possible to maximize Bicknell's Thrush habitat availability and continuity.
- c. WFM will partner with Stratton Ski Center for a review of vegetation management techniques that have been administered in Stratton's efforts of Bicknell's Thrush habitat management.

2. Glade Management

- a. Cleared vegetation on existing Glade trails will not be expanded beyond the current limits. Existing Glade trails will be kept as narrow as possible.
- b. Remaining patches of understory will be left in place when possible and minimally altered as required.
- c. New Glade disturbance will minimize understory removal.
- d. Annual maintenance will ensure that some young saplings are retained in order to allow continual recruitment for older age trees.
- e. Efforts will continue to prevent all unauthorized glade trail establishment and maintenance, or unauthorized habitat alteration.

3. Island Sizing and Spacing

- a. Islands will be designed to avoid small sizing. Size will be maximized and number of islands will be limited to facilitate movement of Bicknell's Thrush among suitable habitat patches and provide increased nesting opportunities.

4. Timing of Vegetation Management

- a. Timing of vegetation management in areas of Bicknell's thrush breeding habitat will be delayed until August 1 after most nesting activity has been completed.

5. Bicknell's Thrush Habitat Management Plan

- a. A Bicknell's Thrush Habitat Management Plan is being developed and employed at Whiteface Mountain Ski Center. The management plan will be developed in the same spirit of cooperation as were the mitigation efforts presented in this document. DEC, APA, VINS, Audubon New York and WCS will assist WFM in the development of this plan. The plan will include items such as:

GPS Identification, Scheduling, Orientation of Staff, Collaboration with other Ski Areas that have experience in these efforts, Periodic Evaluation and Review, and all other positive means the group determines to have a value at obtaining the program goals.

Recommendations for Project Mitigation

1. Mapping of Bicknell Thrush Habitat

a. Habitat for Bicknell's Thrush is inherently patchy and dynamic. Because Bicknell's Thrush respond to natural disturbances that are sometimes ephemeral in nature, it is difficult to accurately predict whether or not Bicknell's Thrush will occupy a given area. Regardless of whether a habitat classification is accomplished by means of satellite imagery or high-resolution aerial photographs, there will still be considerable inaccuracy in estimating the amount of habitat that is actually occupied.

2. No Net Loss Mitigation

a. No net loss of Bicknell's Thrush habitat will be achieved by the creation of potential new habitat during the construction of new trail systems. Trail edges will be opened up and/or feathered to allow suitable habitat to grow. The planting of balsam fir seedlings will be targeted in areas that have potential for creating habitat.

b. Ski lift openings will be included in the Bicknell's Thrush Habitat Management Plan. Edges will be feathered to develop new habitat when allowed by NYS Department of Labor ski trail construction regulations.

c. Passive revegetation through natural succession will be embraced on existing trails that become obsolete. This process has begun at Trail #52 "Yellow Brick Road" which is at an elevation above 3,650 feet.

d. Restoration and new trail construction will include planting of balsam fir seedlings and saplings.

3. Consolidation of Habitat Islands

a. Consolidation of existing small, adjacent habitat fragments (<0.1ha) into single, large blocks will be targeted as part of the passive revegetation planning. This process has begun at Trail #52 "Yellow Brick Road". The elimination of this trail will allow for the development of a larger potential habitat.

4. Protection of Mitigation Sites

a. Sites selected for forest regeneration will be protected with barriers from skier traffic and accidental passes by mechanized equipment.

b. Protection barriers will include conspicuous signage to inform potential users about the closure and will educate them about its benefits.

5. Habitat Development Standards

a. VINS in the BTAWM recommends that the development of standards to evaluate the success of the habitat restoration efforts is needed. The standards need to include explicit objectives for restoration:

- Timeline and measures to objectively determine success
- Continuing field surveys to monitor progress
- Contingency plan to address any failures in the restoration efforts
- Evaluation Standards

Currently there are no standards or explicit protocols to guide restoration of montane forest habitat. ORDA and WFM will continue to partner with the NYSDEC, APA, VINS, Audubon New York and WCS and establish such protocols. Habitat Restoration and Evaluation Standards shall be included in the Bicknell's Thrush Habitat Management Plan to ensure a holistic approach.

6. Hispaniola Wintering Grounds

a. The recommendation for the State of New York to contribute to a fund in the Dominican Republic to protect forest vegetation is not a measure that ORDA is able to authorize or in which it can participate.

b. The promotion of public awareness to the activities affecting the Bicknell's Thrush in the Dominican Republic is an activity in which ORDA is available to participate. ORDA will provide opportunities to non-for-profit groups to host informational and fund-raising events at ORDA venues. Additionally, ORDA will work to include information on the Hispaniola wintering grounds for the Bicknell's thrush in the conservation educational opportunities. ORDA and the DEC will work with stakeholder groups to develop a public/private partnership to create a mitigation fund for Bicknell's Thrush wintering habitat on the island of Hispaniola. ORDA and DEC will form part of a steering committee with non-profit 501(c)(3) organizations, including: the Adirondack Council, Audubon New York, Cornell Laboratory for Ornithology, the Nature Conservancy, Vermont Institute of Natural Sciences, and the Wildlife Conservation Society to develop interpretative kiosks and other information at the Whiteface ski facilities to promote Bicknell's Thrush habitat conservation. A mitigation fund dedicated to protection actions by Hispaniola non-profit conservation organizations focusing on the wintering range will be established and administered through a non-governmental fiduciary agent, such as the Adirondack Community Trust. The initial mitigation fund will be supplemented by a broad-based approach to securing additional public and private funds for this purpose.

Recommendations for Population Monitoring

1. Sampling Methods

a. After a comprehensive review of available monitoring options expressed in the BTAWM and meetings with VINS and the WCS, it was agreed that a standard point count sampling method would be endorsed. The WCS used this method for the 2004 and 2005 monitoring season (see WCS reports: "Use of Whiteface Mountain by Bicknell's Thrush and other Montane Forest Birds

Species" (Glennon and Karasin 2004) and "Use of Whiteface Mountain by Bicknell's Thrush and other Montane Forest Birds Species" (Glennon and Karasin 2005)).

2. Monitoring

a. The short-term monitoring program includes immediate implementation of mitigation measures such as a limited construction season above 2,800 feet and updates to contract documents informing everyone working on-site is aware of this species of special concern. The intent of the short-term program is to obtain a third season of data collection before disturbance to the TIP area and a season of monitoring after disturbance is incurred. Work in other trail areas detailed in this Amendment may start before the third season of data collection.

b. A long-term monitoring program has not been completely established. Mountain Bird Watch will continue to be active on Whiteface Mountain and that post construction monitoring will be required to fully document the impact of the TIP project. A Bicknell's Thrush Population Management Plan will be developed for Whiteface Mountain Ski Center. The plans for long-term monitoring of Bicknell's Thrush be integrated into the Bicknell's Thrush Habitat Management Plan, such that habitat evaluation and thrush monitoring be coordinated in an adaptive management framework.

c. The management plan will be developed in the same spirit of cooperation as were the mitigation efforts presented in this document. DEC, APA, VINS, Audubon New York and WCS will assist WFM in the development of this plan.

Opportunities for Conservation Education

1. Development of Informational Displays

a. WFM has developed several informational displays to educate visitors about the Bicknell's Thrush and other montane forest bird species. Displays are present not only at Whiteface Mountain, but also on ORDA's website and at other ORDA venues.

b. ORDA will develop an informational display that can be used at other venues to educate visitors about the Bicknell's Thrush and other montane forest bird species.

c. DEC will work to help secure funds for kiosks.

2. Public Programs

a. WFM will work with the New York State Department of Environmental Conservation and the Adirondack Park Agency Visitors Interpretation Centers to Develop a partnership in developing public programs on montane forest ecology.

3. Summer Field Trips

a. WFM has expanded its weekly nature walks to a daily nature walk program for the summer operating season.

4. Develop Booklets and Brochures Summarizing the Ecology of WFM.

a. The Whiteface Wildlife program was started in 2003 and provides visitors a brochure detailing wildlife on WFM.

b. A web page will be added to the WFM and ORDA web sites. The page will detail the Whiteface Wildlife program and other environmental stewardship efforts.

B. Some of the new management actions will be visible from NYS Route 86 which is a designated scenic byway. Changes in views of Whiteface from/near Route 86 because of the new management actions were assessed from 3 locations in the 2021 UMPA: at the entrance to Whiteface, on Fox Farm Road approaching the Route 86 intersection, and on Route 86 between Jay and Wilmington where there is a view of the mountain and its surroundings across an open field. Existing conditions photographed from these three locations, along with graphics illustrating new management actions within the views from the three locations were in Exhibit 7 of the 2021 UMPA. Portions of the new lift will be visible from all three locations and part of the new Yellow Dot Trail will be visible from near the entrance, but not the other two locations. This additional development will not cause any significant visual impacts because the new management actions will be visible within the context of the existing lifts and trails currently visible on Whiteface.

C. Whiteface Memorial Highway is located adjacent to the upper portion of the ski area and is listed on both State and federal historic registers. The NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) has determined that the proposed management actions in the 2021 UMPA will not impact historic or archeological resources. A copy of OPRHP's April 20, 2021 determination letter was included in Exhibit 8 of the 2021 UMPA.

D. There is potential that there may be a small increase in the amount of electricity consumed at the ski area as a result of the addition of a new lift and some additional snowmaking on the limited amount of new ski trails proposed. The amount of additional energy required for the new lift and additional snowmaking can be supplied by the renewable energy sources and the local grid that currently supply electricity to Whiteface.

3. Moderate to large potential impacts on land and on surface water were identified in Part 2 of the FEAF. Extensive measures are proposed to mitigate potential impacts to land and surface water to the extent that small to no impacts are anticipated.

A. Steep slope construction, shallow depth to bedrock, extended construction duration, and the erosion potential of the site's soils all contribute to the potential for erosion of soil that is exposed during construction. Shallow depth of bedrock may require blasting of rock in some areas.

Site soils and the 2021 proposed management actions were shown on Figure 5 in Exhibit 3 of the 2021 UMPA.

The following table shows the management actions that are proposed in areas of 993F and RaF soils with bedrock at 20 to 40 inches below grade, and actions proposed in HrF soils where bedrock is 10 to

20 inches below grade. (See Figure 5 in Exhibit 3 of the 2021 UMPA for a legend of soil series names and symbols.)

Site Soils - Bedrock

MANAGMENT ACTION	SOIL SERIES						
	993F*	HrF**	RaF*	MnD	MkD	MkC	FnD
Widen Upper Thruway Trail			√				
Widen Upper Parkway Trail		√	√				
Widen Lower Thruway Trail			√				
Widen Burton's Trail			√				
New Bear Den to Arena Lift			√	√	√		
New Yellow Dot Trail	√						
Widen Wildway Trail		√					
New High Country Road Trail		√	√				
Widen 2200 Road Trail		√	√				
Widen Danny's Bridge Trail				√	√		
Widen Brookside Trail					√		
New ADA Hiking /Biking Trail							√
Expand NYSEF Building						√	
<i>*bedrock @ 20-40"</i>							
<i>** bedrock @ 10-20"</i>							

Blasting – pages V-1 through V-3 in the 2018 UMPA, which is incorporated into the 2021 UMPA by reference contains a full discussion of measures to be implemented to avoid and minimize impacts associated with blasting, should blasting be required.

ORDA will employ the services of a professional, licensed and insured blasting company to perform any needed blasting. Blasters in New York State are required to possess a valid NY State Department of Labor-issued Explosive License and Blaster Certificate of Competence. The Explosives License permits the licensee to purchase, own, possess or transport explosives. The Blaster Certificate of Competence permits the use of explosives.

If it is determined that blasting will be required, a written blasting plan will be developed by the blasting company and approved by ORDA prior to the commencement of blasting. In general, the blast plan will contain information about the blasting methods to be employed, measures to be taken to protect the safety of the public, and how the applicable rules and regulations will be complied with. If during the evolution of the project there are significant changes in the blast design, a new blast plan will be required.

While each blast plan is tailored to meet the specific needs of a particular project, they all contain certain elements. Typically the general information provided will include the blasting contractor; the project blaster; locations of blasting; the duration of blasting operations; locations of offsite receptors; location of any nearby utilities; the drill hole pattern; the explosives and detonation systems to be employed; the proposed loading of the holes; the maximum weight of explosives to be detonated in any delay period; measures to be taken to minimize the offsite impacts of blasting; traffic

control and warning signs; the sequence and type of blasting warning signals; location of seismographs to monitor blast induced vibrations; what, if any local permits are required; will pre-blast surveys be performed, and if so where; and other information as necessary.

In addition, prior to the commencement of blasting, a pre-blast meeting will be held with the blaster, project manager, and other interested parties.

A record of each blast will be made by the blaster, and a copy provided to and retained by the project, which contains at a minimum the following information:

- Name of the operator and/or contractor conducting the blast.
- The location, date and time of the blast.
- Name, signature and identification number of the blaster (certificate of competency number, as issued by the Department of Labor).
- Type of material to be blasted.
- Diagram of shot including number of holes, depth of holes, diameter of holes, burden, spacing, and face orientation.
- Location and distance of nearest non-company owned structure.
- A record of the shot including amount of subdrilling, decking, stemming height and type, quantity and type of explosive, quantity and type of detonator, weather conditions (including wind speed and direction), type of initiation system and all delay periods progressively, in milliseconds. A drill log reviewed and signed by the licensed blaster and company supervisor including date, time, location, shot number, number of holes, hole depth, average face height, burden, spacing, diameter and any potential problem areas such as seams, cracks, voids and water.

The following techniques and control measures will be considered in blast design to reduce ground vibration:

- Adjusting the blast hole pattern
- Reducing the pounds of explosive per delay:
 - use of smaller diameter blast holes
 - reduce bench height
 - use of decking
- Avoiding overly confined charges (e.g., excessive burden).
- Avoiding excessive subdrilling.
- Strict control over spacing and orientation of blast holes.
- Borehole deviation monitoring.
- If possible, designing the blast sequence to direct vibration away from structures of concern.

A properly designed blast will give lower vibrations per pound of explosive. Close to the blast, the ground vibration character is affected by factors of blast design and geometry, particularly charge weight per delay, delay interval, and to some extent direction of initiation, burden, and spacing.

Additionally, to reduce the public's concern regarding ground vibrations:

- Blasts will be scheduled for the same time of day whenever possible.

- Blasts will be scheduled for periods of high local activity.
- Blasts will not be scheduled for quiet periods.

Neighbors will be notified of the blast schedule in advance.

Site topography and the 2021 proposed management actions were shown on Figure 6 in Exhibit 3 of the 2021 UMPA.

The following table shows the erosion potential of the soils in the areas of the proposed management actions. Steepest (F) slope soils have severe erosion potential. Erosion potential decreases to moderate in less steep D soils. Erosion potential in the MkC soils is slight. (See Figure 3 in Exhibit 3 of the 2021 UMPA for a legend of soil series names and symbols.)

Site Soils – Erosion Potential

MANAGMENT ACTION	SOIL SERIES						
	993F***	HrF***	RaF***	MnD**	MkD**	MkC*	FnD**
Widen Upper Thruway Trail			√				
Widen Upper Parkway Trail		√	√				
Widen Lower Thruway Trail			√				
Widen Burton's Trail			√				
New Bear Den to Legacy Lift			√	√	√		
New Yellow Dot Trail	√						
Widen Wildway Trail		√					
New High Country Road Trail		√	√				
Widen 2200 Road Trail		√	√				
Widen Danny's Bridge Trail				√	√		
Widen Brookside Trail					√		
New ADA Hiking /Biking Trail							√
Expand NYSEF Building						√	
***severe erosion potential							
** moderate erosion potential							
* slight erosion potential							

Erosion from Steep Slope Construction – the following is from pages V-3 through V-9 of the of the 2018 UMPA, which is incorporated into the 2021 UMPA by reference.

Disturbance of areas of steep slopes during construction for ski trails, lifts, etc., can lead to an increased vulnerability of the soils to erosion. Suitable measures must be implemented to first prevent soil erosion and then, second, to make sure that any soils that are eroded are contained and prevented from causing sedimentation in receiving waters.

ORDA is familiar with implementing proper erosion and sediment control practices when undertaking construction practices at their venues that oftentimes involve construction on steep slopes. These proper practices are set forth in the *New York State Standards and Specifications for Erosion and Sediment Control* (last updated November 2016).

These standards and specifications will be used to develop Stormwater Pollution Prevention Plans (SWPPPs) for construction activities at Whiteface in accordance with NYSDEC's *SPDES General Permit for Stormwater Discharge from Construction Activity, GP-0-20-001*.

SWPPPS will detail those measures that will be implemented during construction to mitigate potential soil erosion and surface water sedimentation. SWPPP content will include such things as construction sequencing and phasing, temporary and permanent stabilization, structural erosion control practices and vegetative control practices. SWPPS will include provisions for monitoring, inspections, data collection, and compliance documentation.

Mitigation measures that ORDA commonly and successfully employs during ski area construction activities include the following that will be incorporated into Whiteface pre-construction SWPPP plans and specifications.

Mitigation Measures

Construction Road Stabilization – site access will be achieved using existing work roads, ski trails, driveways and parking areas. At this time, no new disturbance is anticipated for site access, material storage areas or other construction uses.

Concrete Washout – Concrete truck washouts will be provided in existing parking areas located in proximity to the base area.

Protecting Vegetation to Remain – clearing limits will be marked with flagging tape, paint or other suitable means prior to the felling of trees for lift line and ski trail construction. ORDA is particularly sensitive to adhering to clearing limits on the Forest Preserve lands on which they operate their venues.

Runoff Control

- **Water Bars** – Water bars shall be installed during construction of the ski slopes and lift lines. They are to be placed across the slope to reduce the potential for erosion, with diversion into stable vegetated areas or other stabilized outlet. All water bars shall be installed at a 2% slope and particular attention shall be paid to proper spacing specifications as follows:

<u>Slope (%)</u>	<u>Water Bar Spacing (ft.)</u>
<5	125
5 to 10	100
10 to 20	75
20 to 35	50
>35	25

(Source: New York State Standards and Specifications for Erosion and Sediment Control, 2016)

Rock outlet protection using construction-generated rock will be installed at the ends of water bars when natural areas appear not to be adequate.

- **Trench Plugs** – Sandbags or gravel bags will be employed in open utility trenches longer than 300 feet. Compost filter socks of suitable size are an acceptable alternative to sandbags or gravel bags.

Soil Stabilization

- **Temporary Seeding** - Seed and mulch inactive areas with bare soil within 3 days of disturbance unless construction will resume in that area within 2 days. Seed with annual rye mixture at 30 pounds per acre. For late fall or early winter seeding, seed with winter rye at a rate of 100 pounds per acre. Mulch areas with straw at a rate of 2 tons per acre.
- **Permanent Seeding and Mulching** - Maintain existing vegetation outside of marked limits of disturbance. Soils disturbed for construction of ski trails and lifts shall be permanently stabilized by successfully establishing an herbaceous ground cover.

Seeding – A commercially available native seed mixture appropriate to the climate shall be used to stabilize disturbed areas to be re-vegetated. Seed may be applied by a number of suitable means including broadcasting, hydro-seeding, or incorporated as part of a geotextile (i.e., Green & Bio Tech SureTurf 1000 and 4000 Seeded Mat System®, BIOMAT® seeded mats).

Mulching – Broadcast seeded areas shall also be mulched. Broadcast seeded areas shall be mulched with invasive species free hay or straw at a rate of 2 to 3 bales per thousand square feet (100-120 bales per acre). Mulch shall be secured in place by either driving over the mulched area with a tracked vehicle or by applying a non-asphaltic tackifier.

Hydro-seeded areas shall contain a mix of wood cellulose mulch applied during the hydro-seeding process. Wood cellulose mulch shall be applied at a rate of 35 pounds per thousand square feet (2,000 pounds per acre). A non-asphaltic tackifier will be included with the hydro-mulch application.

Soil Restoration

As directed by the Qualified Inspector, areas of compacted soils that are to be seeded should be restored to improve the quality of the seed bed. The top four (4) to six (6) inches of soil shall be loosened using hand or mechanical means prior to applying seed. Also, as directed by the Qualified Inspector, finished grades consisting of exposed subsoils may require soil amendment or topsoil in order to provide a suitable seed bed.

Sediment Control

- **Silt Fence** – Where appropriate, silt fence (standard or reinforced) shall be installed along topographic contours. Use of silt fence is appropriate where there is no concentration of water flowing to the barrier and where the drainage area for overland flow does not exceed ½ acre per 100 feet of fence. Additionally, maximum allowable slope lengths contributing runoff to a silt fence shall be as follows:

Slope Steepness	Standard Maximum Slope Length (ft.)	Reinforced Maximum Slope Length (ft.)
<50:1	300	N/A
50:1 to 10:1	125	250
10:1 to 5:1	100	150
5:1 to 3:1	60	80
3:1 to 2:1	40	70
>2:1	20	30

(Source: New York State Standards and Specifications for Erosion and Sediment Control, 2016)

- Silt fence structures should be installed anywhere sediment retention is needed in and around a construction site.
- Perpendicular to slopes or parallel to contour.
- At the toe of highly erodible slopes.
- Around culverts and storm water drainage systems.
- Adjacent to lakes, streams or creeks.

Maintenance – Silt fences should be inspected periodically for damages such as tearing by equipment, animals, or wind and for the amount of sediment which has accumulated. Removal of the sediment is generally necessary when it reaches 1/3 the height of the silt fence. In situations where access is available, machinery can be used; otherwise, it must be removed manually. The key elements to remember are:

- The sediment deposits should be removed when heavy rain or high water is anticipated.
- The sediment removed should be placed in an area where there is no danger of erosion.
- The silt fence should not be removed until adequate vegetation ensures no further erosion of the disturbed slopes. Generally, the fabric is cut at ground level, the wire and posts removed, the sediment spread, and seeding and mulch is applied immediately.

Reinforced silt fence should be installed at the base of temporary stockpiles. The reinforced silt fence is designed to hold heavier loads. Falling debris from stockpiles may be caught by the reinforced silt fence where standard silt fence could fail.

- **Straw Bale Dikes** – Straw bale dikes may be used as a substitute for silt fence ONLY where shallow depth to rock precludes the proper installation of silt fence. Straw bale dikes shall NOT be used where there is concentrated flow. Straw bale dikes shall NOT be used where more than 3 months of erosion and sediment control is required unless bales are replaced, or an additional parallel row of bales is installed prior to the original straw bales being in place for 3 months. Length of slope above the straw bale dike shall not exceed the following:

Slope Steepness	Maximum Slope Length (ft.)
2:1	25
3:1	50
4:1	75

(Source: New York State Standards and Specifications for Erosion and Sediment Control, 2016)

Straw bale dikes require more maintenance and degrade much more rapidly. Straw bale dikes offer a more standalone practice that may be less dependent on the require staking. Staking is required for both silt fence and straw bale dikes. Both practices are required to be buried in the ground, although silt fence is required a six inch burial as opposed to a four inch burial trench for straw bale dikes. If neither application is applicable, sediment may be captured by using aproned triangular silt dikes, compost filter socks or other acceptable practices.

Installation specifications:

- Each bale shall be embedded in the soil a minimum of 4 inches.
- Bales shall be placed in a row with ends tightly abutting the adjacent bales.
- Bales shall be securely anchored in place by stakes driven through the bales. The first stake in each bale shall be driven toward the previously laid bale to force bales together.
- Inspection shall be frequent, and repair or replacement shall be made promptly as needed.

Ski Trail Construction

Erosion and sediment control practices for trail construction will be conducted similarly as it has been done in previous trail construction projects with much success. ORDA staff is experienced in ski trail and lift construction including erosion control techniques. They will use the following measures to mitigate the potential impacts of trail construction.

- Limit individual disturbance areas to less or equal to 1 acre at any time.
- Tree trunks will be removed and used on site either as part of trail construction or cut up and used for firewood.
- Logs will be used on constructed trails to create cribbing to help stabilize the down gradient slope.
- Where possible, tree stumps will be cut flush to the ground to minimize the impact to the existing root systems and to allow the quick establishment of vegetation. Emphasis to minimize cutting, filling and grubbing operations on slopes over 25 percent will be made.
- Grubbed stumps will be buried within the trail as part of trail construction (filling low spots, etc.)
- Branches and tops will be chipped with chips broadcast into adjoining wooded areas. Chip piles shall not be created in wooded areas.
- Install sediment and erosion control practices.
- On constructed trails, which involved cut/fill operations, exposed earth areas will be contained by diverting clean runoff from the uphill side with water bars as much as practicable.

- Silt fence and/or chip berms on the downhill side will be utilized to filter the runoff from the raw site.
- During final grading, all water bars will be repaired in order to effectively intercept and divert water from new trails and lift areas.
- Areas where finish grade has been established will be seeded and mulched within 3 days. No areas shall be left with raw earth exposed for more than 7 days.

Lift Terminals Construction

Lift terminal construction will be located in relatively flat to low slope areas and are limited to approximately ¼ acre in size. E&SC practices include silt fence, upgradient water bars, and vegetative stabilization. Rolled erosion control product (RECP) will be installed on the graded outruns of upper lift terminals.

Lift Line Construction

The scope of lift line construction operations is similar, but less intense, than most trail construction operations. Construction of the lift line corridors will involve:

- Cutting trees to provide a 60 feet wide area with sufficient clearance.
- Stumps are cut flush to the ground.
- Grading operations are limited to the areas immediately around lift tower footings and where vehicle access is required. In these locations E&SC practices include silt fence, upgradient water bars, and vegetative stabilization.
- Ground cover vegetation will be undisturbed to the extent possible.
- Areas requiring site disturbance will be stabilized using practices described above.
- Wooded areas which are cut will be allowed to naturally fill in with brushy type growth where no ski trails or service driveways are to be created.

Linear Utilities

Linear utilities include underground water pipe, air lines, and electric lines. Erosion from pipeline construction will be minimized by limiting the length of the open trench to 1200' for a period not to exceed 10 days. Sand or gravel bags trench plugs will be placed in sloped trenches at a minimum of 300' intervals to slow the velocity of stormwater runoff that may enter the trench.

Areas where finish grade has been established will be seeded and mulched within 3 days. No areas shall be left with raw earth exposed for more than 7 days.

B. Figure 7 in Exhibit 3 in the 2021 UMPA shows mapped NYSDEC streams, mapped APA wetlands, and mapped waters of the US.

The location of the blue line stream 830-269 on Figure 7 is incorrect. The stream does not pass through the area of proposed widening of Brookside trail. This stream is located north of the Boreen Trail which is removed from any proposed management actions. The green line stream NWI mapping on Figure 7 is closer to the actual location of the stream than the blue line stream.

This same stream flows past the NYSEF building, approximately 60 feet away from the north side of the existing building. Exhibit 6 of the 2021 UPMA contains an initial assessment of stormwater management

associated with the proposed building expansion. Installing drip strips or bioretention is recommended to capture additional runoff generated by the building expansion prior to runoff reaching the nearby stream.

The proposed hiking trails and mountain bike trails involve 11 new bridged stream crossings. Wherever possible, trails were sited to cross streams using existing alpine ski trails crossings. The 11 proposed bridge crossings will be clear spans with the crossing openings at least 1.25 times the stream width as measured bank to bank at the ordinary high water level. The proposed trail system was informed by the Master Plan Report for Hiking and Mountain Biking at Whiteface Mountain which can be found here: <https://www.dec.ny.gov/lands/90459.html> . All trails identified in the guidance document and tabulated below are subject to the DEC Work Plan Process.

Hiking and mountain bike trail crossings of minor drainages and seasonal streams (unclassified and unmapped) will be crossed either with stepping stones (for hiking trails), stone paved armor crossings or culverts. If culverts are to be used, they will be appropriately sized and placed so as to prevent scouring, erosion, clogging, and ponding, and shall be embedded so that the substrate and bedding is similar to the natural drainage.

Prior to construction, ORDA will have all work areas examined for unmapped waters and wetlands. If needed, permit applications will be filed with the proper regulatory agency(ies) for any unavoidable impacts to waters or wetlands (see Section 4 of the 2021 UMPA).

Measures to mitigate potential sedimentation impacts to surface waters from construction area soil erosion are discussed in 3.A above.

There will be an incremental increase in snowmaking water withdrawal from the West Branch AuSable River to produce snow on the new trails and on the enlarged trails. ORDA will continue to abide by their current Cooperative Agreement with NYSDEC that controls snowmaking water withdrawal rates from the West Branch AuSable River.

If Conditioned Negative Declaration: n/a

For Further Information Contact:

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Lake Placid, NY 12946
(p) 518-302-5314
elamy@orda.org

Copies of this Notice Provided Via Electronic Mail to:

Town of Wilmington Supervisor Roy Holzer
NYSDEC Central Office Lands & Forests Rob Davies, Peter Frank, Josh Clague, Molly Breslin
NYSDEC Region 5 Kris Alberga
NYSAPA Project Review Officer Matt McNamara
ORDA President & CEO Michael Pratt
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Exhibit 10

Responses to Public Comments

EXHIBIT 11 – RESPONSES TO PUBLIC COMMENT

Comments Topics

1. Bicknell's Thrush
2. Operational Issues
3. General Support
4. Multiple Topics Comment Letters
5. Support for Hiking and Mountain Biking
6. Uphill Program

1. Bicknell's Thrush

Comment A: Thank you for the opportunity for Northern New York Audubon to provide comments on the draft Whiteface 2021 Unit Management Plan (UMP) Amendment. Our board was approached with a question regarding whether the proposed changes in the higher elevation areas of Whiteface Mountain would negatively impact Bicknell's Thrush. Our comments on the draft Whiteface 2021 UMP Amendment specifically address the proposed changes above 2,800 feet.

Our Northern New York Audubon board has no major concerns that the new hiking trails proposed above 2,800 feet will negatively impact Bicknell's Thrush for two main reasons:

First, the important mitigation measures taken by the Olympic Regional Development Authority (ORDA) that include prohibiting tree cutting above elevation 2,800 feet between May 15 and August 1 (Bicknell's Thrush nesting period); maintaining trails and lifts with feathered vegetation on wind exposed sides; and avoiding construction activities at Whiteface during the Bicknell's Thrush nesting period whenever possible.

Second, Bicknell's Thrush is most abundant in stands of disturbed coniferous forests (primarily Balsam Fir). Their nest density is much higher near the edges of naturally disturbed areas such as fir-waves, rock slides, and locations where extreme weather events cause blown down trees, and near the edges of anthropogenic areas such as hiking trails (as proposed in the UMP Amendment), roads, fire tower clearings, and ski trails, which all mimic the naturally occurring disturbed areas preferred by this species. More study is needed to explain Bicknell's Thrush's preference for nesting near disturbed edges with questions regarding food sources and predation risk.

(I have spent a great deal of my time in Bicknell's Thrush habitat during spring and summer over the past twenty years. As a NYS licensed birding guide I take people from around the country and world to see Bicknell 's Thrush (the only endemic bird species in the northeastern U.S.), and I've been conducting annual surveys for the Mountain Birdwatch Project since its inception two decades ago, including the annual survey on Whiteface Mountain for the past decade. We observe Bicknell's Thrushes capturing insect prey in open areas - in and along the road up Whiteface, in the parking area, in trails, in the rock slides, etc. Also, they feed on the berries of Mountain Ash and Elderberry trees that grow along the more open, disturbed edges. It would appear that their preference for nesting near edges may indeed be food-related.)

Bicknell's Thrush is one of the most range-restricted bird species in North America facing a host of threats including: habitat loss on its wintering grounds in the Caribbean, methylmercury accumulation from both its nesting and wintering grounds, climate change effects (eventual loss of spruce/fu habitat on its breeding grounds, upslope movement of species - in 2017, Jeremy Kirchman documented that there are twice as many bird species on the summit of Whiteface as there were 40 years ago, - changes in insect prey and other food sources, and extreme weather events), and competition from the more dominant Swainson's Thrush which has moved upslope due to warming springs. Birdlife International considers Bicknell's Thrush to be one of the Nearctic-Neotropical migrants at greatest risk of extinction. It is certainly a species of great concern.

Northern New York Audubon recognizes the important economic impact that the recreational areas of Whiteface Mountain have on the Adirondack region, and the need to modernize its facilities to add to public accessibility, increase user safety, and enhance recreational experiences. It is our opinion that the mitigation measures taken by ORDA above 2,800 feet during Bicknell's Thrush nesting period are sufficient to protect nesting birds. The habitat changes, made outside the nesting period, to add a few, short hiking trails above 2800 feet may even add preferable edge habitat for nesting.

Thank you again for this opportunity for Northern New York Audubon to submit comments on the draft Whiteface 2021 UMP Amendment.

Response: Comments noted. ORDA appreciates the Northern NY Audubon efforts. No response needed.

Comment B: I am concerned about the potential effects of the proposed Whiteface UMP on Bicknell Thrush habitat. We have lost over 3 billion birds around the globe due to many factors including loss of habitat. The Bicknell Thrush has suffered habitat loss in its wintering grounds. We should not also decrease it's [sic] small amount of summer habitat that now exists on Whiteface Mountain. The plan should be modified to exclude any tree cutting in the Bicknell's Thrush habitat. Thank you.

Response: See comment 1(A) above submitted by Northern NY Audubon. No significant impacts are anticipated as ORDA will continue to implement its effective mitigation measures that were developed, and have proven effective, to avoid and minimize potential impacts to Bicknell's Thrush (BITH) . See section 3(G)(2) of the Draft UMPA (Bicknell's Thrush (VINS¹ Recommendations for Minimization of Project Impacts and Measures to be Incorporated at Whiteface Mountain), which reiterates the extensive BITH mitigation measures developed for the 2006 UMPA that ORDA has implemented, and will continue to implement, to be protective of BITH.

Comment C: I support most of the UMP for Whiteface Mountain Ski Center, but cannot support any loss of habitat for the Bicknell's Thrush. I can't believe with all the possibilities there are for biking in the area, it would even be considered to cut trees that would harm a delicate and close to endangered bird population. Please reconsider this part of the plan.

Response: No mountain biking trails are proposed in BITH habitat.

¹ Vermont Institute of Natural Science

Comment D: I stand in opposition to the proposed UMP Amendment. I do not think that the small addition of ski trails or mountain bike trails are worth the significant tree cutting that would be required to build them. I am especially against the cutting of trees in such a fragile habitat where the Bicknell's Thrush is known to reside. Please forego this plan, do not adopt it, and accept that Whiteface Mountain is great just the way that it is.

Response: Section 3(G)(2) of the UMPA documents that very limited ski trail construction is proposed for elevations over 2800 feet, and no ski trail construction is proposed in spruce-fir habitat preferred by BITH. The short, 200 feet long Yellow Dot trail is proposed in pioneer hardwood-spruce habitat. The limited widening of the 2200 Road trail over 2,800 feet elevation is proposed to occur in northern deciduous forest, not BITH habitat. No mountain biking trails are proposed over 2,800 feet elevation or in spruce-fir habitat.

Comment E: No! I don't understand why or how this can be done with the Bucknell Thrush in this area. How much more can this mountain take before it becomes a landslide?

Response: See previous comment 1(A) from Northern NY Audubon and Section 3(G)(2) of the UMPA.

2. Operational Issues

Comment A: Bear Den Lodge essentially operates as its own mini area within Whiteface, and it does a great job as such with mellow beginning and learning terrain. The proposed lift would not be used by skiers for lapping, but rather as a means of getting up the mountain in the morning, as there is plenty of parking at Bear Den that is used by non-beginner skiers. Given that this lift is going to be detachable and include an angle station, it may well cost about \$10 million or more (based on publicly available lift installation figures for recent years), which is quite expensive for a lift that will primarily be used by skiers once per day. A better, more cost-effective alternative for getting people who park at Bear Den over to the rest of the mountain is also listed on the UMP as the conceptual transport lift. If this lift were to be built as a cabriolet, which has successfully been done for similar purposes elsewhere at places such as Tremblant, Winter Park, and Park City, ORDA would save a significant amount of money that could be used elsewhere, as there are other pressing needs.

Separately, the approved Freeway replacement is misguided. The main problem with Whiteface's lifts is that they encourage all skiers to return to the base area, as that is where the high-speed lift and gondola are, and the reality is that skiers have shown a preference for these types of lifts even if they have significantly longer wait times. The base area is small, congested, and sits at a much lower elevation than the rest of the mountain, making snow retention more difficult. The goal should be to entice skiers to remain up on the mountain and not return down until the end of the day. With this in mind, Freeway should be replaced with a high-speed lift in a similar alignment, meaning its bottom terminal should be kept uphill. To maximize its potential lap-ability and pod size, its top terminal should be adjacent to the top of Mountain Run. Following this, it would likely make more sense to shift its entire alignment over to be above Draper's Drop instead of Upper/Lower Parkway, as that large merge at the bottom of that trail with Lower Valley has plenty of room for a terminal, queue area, and allows people to come in from trails of all sizes. Given that Mountain Run's top terminal is the perfect location for this proposed lift's top terminal, that Mountain Run is an old, redundant double, and that this proposed lift would serve all of Mountain Run's terrain quite effectively, Mountain Run could likely be removed alongside Freeway in this process to clear land at the top. To tie this back in to the amendment, this theoretical Freeway replacement would do more to reduce base congestion than the newly proposed lift because it would be utilized repeatedly by skiers due to its sizeable and enjoyable terrain pod, all of which would be out of the base at a higher elevation on relatively under-utilized terrain.

Response: Freeway will be maintained as a double-chair in its present location.

Comment B: I am pleased to review the proposed improvements to Whiteface Mountain. Over the last few years, my family has made Whiteface our main ski excursion, and we have some thoughts about it. First, we really love the vibe and the atmosphere. The lodges are great. The Bear Den learning area is great, and the new lift there is a great improvement. But the mountain suffers from a lack of cohesiveness. The new lift from Bear Den will greatly help with accessibility and connectivity. As intermediate and learning skiers, we need more options all across the mountain. The proposed connecting trails will help. We would also like to see the ski-cross course under the Bear lift opened to the public more. We were there over two weekends last year when it was closed off the whole weekend -- and not for lack of snow. Thanks for the opportunity to weigh in.)

Response: Thank you for your comment. The goal of having the proposed skiable connectors (Yellow Dot, 2200 Road), as well as the new Bear Den to Midstation Lift, is to provide better access to beginner and intermediate terrain.

Comment C: I briefly reviewed the Plan at the Conference Center and am pleased the State/ ORDA are continuing to improve the facilities at Whiteface. Most of my career was in ski area management in Vt. and state owned Mt. Sunapee, in NH. Most skiers have opinions and special concerns. The summit is seldom open for Xmas week. Snowmaking focuses on trails off the gondola and lower lifts. I realize the importance of those as target areas for Xmas week. Public perception, fickle as it is, thinks if the " top isn't open, the mountain isn't in full operation ". Ironically most of those people would only make one run off the top because of temperatures, ability, etc. I haven't been able to learn what the water pumping capacity is for the mountain. I realize that a certain river flow is required for environmental reasons. This is a huge factor in operating a snowmaking operation. This isn't unique in the industry. Ski areas like Loon Mtn. in NH draws water in a similar situation and is governed by state and federal regulations being in the White Mountains National Forest. Not knowing the current GPM I can't address the need for a holding pond as Loon and other areas have. Snowmaking could operate as early as mid October at the summit, snow being left in "whales," to be groomed out for mid-December skiing off the top. The past fifteen years I have been a NYSEF volunteer and can't praise that organization and staff enough. It's considered one of the best in the East as my NE connections state. I didn't read anything specifically addressing the need for a new timing building with bathrooms ! Enough said. In summary the facts and maps have are impressive, but difficult for the average skier to comprehend. I'm familiar with the UMP concept. Very little management is outlined in the document. I assume public hearings will be conducted and possibly more can be presented as to goals. Whiteface Mountain is a unique facility and one the public should be proud of and support. Thank you for allowing me to address the Plan.

Response: The UMPA has been revised by the addition of a management action for replacing the existing outhouse building with a 10-foot by 20-foot precast concrete restroom building adjacent to the Timing Building. The new building will be served by non-potable snowmaking water and a proposed onsite wastewater disposal system. See UMPA Section 2(B)(13).

Comment D: If done correctly, improving the mountain bike scene and trails at Whiteface could make the resort a true destination. With the construction and scale of the proposed project at Whiteface, Tahawus Trails LLC should partner with true expert mountain trail builders like Highland Trails LLC, [Loon Mountain Bike Park, Highlands Bike Park] or Gravity Logic [<https://www.whistlergravitylogic.com/clients>]. Recently, Old Forge, NY, has begun to develop their mountain bike network and hired industry-leading designers from Bentonville, AK (a true mecca for MTB) [<https://progressivetraildesign.com/>]. Please do not screw this up; spend our tax money wisely and confirm Tahawus Trails LLC will deliver trails that compete with the surrounding Northeast resorts. If Whiteface were to continue to develop (intermediate) trails off of the gondola, they would out-compete Killington and other Northeast destinations with the available vertical drop. Lake Placid/Saranac Lake is on the precipice of becoming the bike capital of the Northeast with the recent rail trail between the towns. Whiteface must develop its mountain biking trails accordingly to help this network grow properly. Hiking trails shouldn't be built at Whiteface; it's a waste of resources; there are already enough trails in the high peaks. If hiking were to be built, then it should be focused from the top of the gondola to the summit of Whiteface (people will pay for the gondola ride for a shorter hike). Please look at Killington's mountain bike network,

culture, and community; this is your competition for riders and dollars. Lastly, Killington and Thunder Mt (MA) allow people to car-camp in the parking lot, and this would be great to explore; you could charge a \$20 overnight parking fee and provide porta-potties as well. Local trail network BETA is not an expert trail builders; please consult with companies with the breadth of experience Whiteface needs to deliver a world-class experience successfully. Make this awesome, please. Thank you, Adam, a concerned local, as previous projects have demonstrated myopic thinking with state planning and funding for projects at Whiteface. Sorry, it's entirely true; just ask the community.

Response: The Whiteface Intensive Use Area (IUA) is designated as day-use. There are camping accommodations of various types in the immediate vicinity of Whiteface Mountain.

Comment E: No Mask requirements and No Vaccine Mandate

Response: COVID-related issues are outside of the scope of this UMPA. ORDA will continue to follow current State and local requirements for safely operating during COVID, as well as implementing their own, additional safety practices that were very effective in preventing COVID transmission at Whiteface last ski season.

Comment F: Lift from bottom to top. More bike trails. More hiking trails. More ski terrain. Increase snowmaking potential and water retention. Lease the property to an actual resort company who can maximize the potential of this asset year round and remove ORDA cronyism.

Response: The Draft 2021 UMPA proposes improvements to lifts, mountain biking and hiking trails, and ski terrain. Increased snowmaking capacity was approved in previous UMPAs for Whiteface and is currently being implemented with good results. A 10 million-gallon snowmaking reservoir was discussed as a conceptual action in the 2018 Whiteface UMPA. The reservoir is not being pursued at this time. Whiteface Mountain is located in NYS Forest Preserve, and, as such, the land shall not be leased, sold or exchanged or be taken by any corporation, public or private, in accordance with the NYS Constitution.

Comment G: All unless flushing of dollars. Nothing shown is an improvement. All ski areas have been reversing the widening trails and trail mergers, get with the program! You have made a mess at the Excelsior top, please don't screw up other areas in this fashion. I realize you need to try and get more interest in the kids area, however this does nothing to increase neither parking or ski experienceit would however deter from the ski experience by creating ski cluster and trail crossings. Have you considered going higher on the kids campus side so one could "ski down" to the new lodge? The real improvements would be to your snow making so we could actually ski Wilmington area earlier in the season.....and all the trails over there?

Response: ORDA disagrees with this comment. The proposal for trail widening is based on FIS homologation standards. ORDA has made several improvements to the snowmaking systems at Whiteface over the past three years. Whiteface was open by Thanksgiving this year and the summit was open the earliest ever, Dec 4. The proposed Bear Den to Midstation Lift allows access to the new Legacy (Midstation) Lodge from the Bear Den (Kids Kampus) area.

Comment H: We are sisters that have been residents of Lake Placid, NY for over 15 years and residents of upstate New York almost our entire lives. We are avid skiers, hikers, and winter sports supporters; however, we are strictly opposed to the proposed Unit Management Amendment for the Whiteface Mountain Ski Center in Wilmington, NY, which includes the removal of 27,000 trees (more than half of which are 3" or greater in diameter). This proposal is, in part, to prepare for the 2023 World University Games, whose slogan and educational component for visiting youth athletes will be 'Save Winter' - a direct conflict with the removal of tens-of-thousands of trees in a sensitive ecosystem. Our history as elite winter athletes and long-time lovers of the Adirondack region has us concerned about the future of this region, especially the impact these destructive, damaging, and, honestly, hypocritical acts will have on the climate and ecological health of the Adirondacks. Deforestation, as defined by National Geographic is, "Human-driven and natural loss of trees - affects wildlife, ecosystems, weather patterns, and even the climate." This proposed tree removal is, without a doubt, an act of deforestation. Please do not follow through with this plan and, rather, consider the long term future of the Adirondacks, its residents, and its visitors. We can host The 2023 World University Games without committing an act of deforestation, so let's set the progressive and climate-friendly standard that other venues will eagerly follow, instead of becoming a key contributor to global climate change.

Response: International ski race courses, such as those that will be used for the 2023 World University Games, must meet international dimensional course standards, including trail widths, which provide a suitable race course and are protective of ski racer safety (which is also protective of recreational skier safety). Of the tree clearing proposed for all new management actions in the draft UMP, a majority is for widening of existing trails to meet Federation Internationale de ski (FIS, International Ski Federation) trail homologation standards involving the existing Upper Thruway, Upper Parkway, Lower Thruway and Burtons ski trails.

In responses to comments on the Draft UMPA regarding the amount of proposed tree cutting, ORDA rechecked tree cutting numbers for all management actions which resulted in the revised tree cutting estimates contained in Section 3(G)(3) of the UMPA.

Comment I: I am alarmed at the number of trees to be cut and the other potential hazards to the land and animals. Just now when the Climate issue is finally become common knowledge, is a terrible time to think of destroying natural resources for profit and recreation. We need to backpedal our demands on the earth, not forge ahead with selfish interests. I'm sure you don't care what I think and the money will win. What will your children's children think of the earth we have left them? May you sleep well at night.

Response: A revised tree cutting estimate can be found in UMPA section 3 (G)(3). Of the tree clearing proposed for all new management actions in the draft UMP, a majority is for widening of existing trails within the constitutional ski trail mileage limitations. An important aspect of this work will bring certain ski race courses at Whiteface up to the International dimensional standards necessary for events like the 2023 World University Games. All of this cutting will take place outside of any critical habitats, including outside of any Bicknell's thrush habitat.

Comment J: The headline in the November 3, 2021 edition of the *Adirondack Daily Enterprise (ADE)* proclaimed, "Leaders vow to protect forests, plug methane leaks at COP26." The facts behind this long overdue move toward real environmental sustainability are the reasons we strongly object to the draft of

the Unit Management Plan Amendment that is being proposed by ORDA regarding "upgrades" at Whiteface. We realize the plan was approved in 2018, but as Mr. Pratt was quoted, "...a lot has changed in the last three to four years." The most significant change for us is that the youth of the world and many world citizens are facing facts and mobilizing to mitigate climate change, promote climate justice, social and economic justice.

According to Mr. Pratt, the new plan "...prioritizes widening of ski racing trails to accommodate the upcoming World University Games and other national and international events." If approved, the plan calls for deforestation of close to 30,000 trees, more than half of which are three inches in diameter or greater, including the "deforestation of the winter habitat of the Bicknell Thrush," a bird that is "of high conservation priority because of its small population, limited breeding and wintering ranges and vulnerability to deforestation in its winter habitat," (*ADE 1116/2021*). As the world is finally realizing, humans are also vulnerable to deforestation. Humans have an obligation to stop this at a global and local level. ORDA should not be using New York State taxpayers' money for deforestation of the Adirondacks to create a bigger playground for the wealthy. This is the opposite of climate justice, social justice and economic justice.

Deforestation does not align with the World University Games slogan, "Save Winter." How can we bring the youth of the world here to compete when the preparation for their arrival is contrary to their educational mission and contrary to the real issues of our impact on the planet and climate change? Deforestation certainly does not align with the mission of the Adirondack Park Agency (APA) to preserve the Adirondack Forests. The second primary objective of ROOST's Destination Management Plan (*ADE 1113/2021*) is to, "Embrace a regional approach to improve environmental sustainability." This objective is clearly not aligned with the removal of almost 30,000 trees in a sensitive ecosystem.

Sustainability, save winter, stewardship of the environment, and climate justice are not just slogans. These require us to change our current behaviors and practices, regardless of how inconvenient and regardless of how much money we may or may not make. It seems that having the ability to increase revenue outweighs the potential environmental impact of local projects. This is the antithesis of climate justice and economic justice. The Wilmington Town Supervisor was quoted as saying, "Improvements could boost a growth in industry that would trickle down to the town." That seems to be the smoke screen used to pitch projects to locals as being "good for the area." As local citizens, we need to ask, "Good for whom?" and "Do economic benefits outweigh environmental impact?" Yes, increased business for hotels, vacation rentals, and restaurants means increased tax revenue for a municipality. However, this does not necessarily "trickle down" to the local residents who are increasingly being priced out of the local economy where they live, work, and volunteer. When "improvements" go as far over budget as the ORDA improvements have so far, the cost is passed on to local season pass holders, pricing some of them out of the ability to participate in the local recreational activities their NYS tax dollars supposedly paid for, improvements" that were touted as "good for the area." This is a clear example of economic and social injustice.

Social justice, economic justice, and climate justice are intertwined constructs that require action and vigilance. We need to do the hard work of moving forward with improvements that are not detrimental to the environment and are just and fair. We do not approve the current draft of ORDA's UMP Amendment

for Whiteface and look forward to a more environmentally friendly and budget conscious plan for future improvements.

Response: BITH's winter habitat is in the Caribbean. There will be no deforestation of BITH winter habitat as a result of the proposed action. See Section 3(G)(2) of the UMPA, Bicknell's Thrush. See Section 3(G)(3) of the UMPA, Tree Cutting regarding tree cutting required to meet international ski standards for race courses and racer safety.

3. General Support

Comment A: As Town Supervisor for the Town of Wilmington, I would like to offer this letter of support for the 2021 Whiteface Unit Management Plan Amendment. Wilmington is the proud home of Whiteface Mountain. As such we totally support sound development that ensures that Whiteface SkiCenter maintains a competitive edge for our community and region. The proposals listed in the unit plan are responsible. In my opinion they maintain the character of the mountain, fosters reasonable environmental plans and compliments the financial investment that New York State has made at Whiteface Mountain over the years. From the widening of skitrails, a new chairlift and added hiking and mountain biking accessibility, I totally support these important upgrades. Thank you so much for this opportunity to comment on this proposal.

Response: ORDA agrees with this comment. ORDA appreciate the Town of Wilmington's support and thanks you for your comment.

Comment B: I'm writing in support of the Draft 2021 UMPA for Whiteface Mountain. The plan has many well thought out concepts and initiatives. Specifically, the following concepts should be approved and implemented.

- Proposed Trail Widening of Upper Parkway, Upper Thruway, Lower Thruway, and Burton's: the proposed trail widening on these trails is necessary and in line with the best practices in the ski industry for the safety of skiers and riders. Specifically, these improvements not only offer the recreational skier/rider a safer and more enjoyable experience - they are necessary in order for Whiteface to host large-scale ski racing events safely and effectively. By having two International Ski Federation (FIS) approved racing venues, Whiteface will be able to host internationally acclaimed championship events for both genders simultaneously. Specifically, having two tracks is crucial to the success of these events because it offers a safe place for one gender train while the other competes. Additionally, it provides a backup venue should it be needed due to weather-related challenges. A backup venue is a prerequisite for bidding on many of these high level events.
- Proposed Trail Widening of Danny's Bridge and Brookside Trails: Similarly, the widening proposed on these trails makes a more safe and comfortable experience for all skiers and riders. Specifically, these trails host the terrain park on which many high level events will take place. The increased width will offer a safer and more appropriate experience for the athletes.
- Proposed High Country Road Trail and Widening of 2200 Road: this addresses the need for an intermediate trail in a particular location in which only expert terrain exists. Unfortunately, it is often those beginner or intermediate skiers/riders who inadvertently find themselves at the top of this expert terrain. This proposed trail will allow these inexperienced skiers and riders a safe way down to additional intermediate terrain - including access to the Summit and Lookout Mountain.
- Expansion of NYSEF Building: the proposed expansion to the NYSEF Building would allow for additional office and equipment space. As the NYSEF program has continued to grow, the need for additional space has become evident.
- New lift connecting Bear Den Lodge to the Legacy Lodge: this lift is a great initiative because it allows and encourages use of the two new lodges by a variety of skiers and riders, from beginner to expert, and will lessen the typical congestion at the main lodge and lifts in that area.

Thank you for your consideration of these comments

Response: Comments noted, no response needed. ORDA appreciates the support of NYSEF

Comment C: I approve of all the upgrades. I think it will be a great improvement for Whiteface and allow us back as a contender for major races.

Response: Comments noted, no response needed.

Comment D: I am in favor of all the updates to Whiteface. Widening and making more trails will make the mt. safer to ski by spreading skiers out. Many of the present trails are too narrow and dangerous. The mt. needs updated and I hope the proposed improvements happen. Also improving the mt. will help it stay profitable in the future. Anything that can be done to the mt. so it can be used in the other seasons would also be good.

Response: Comments noted, no response needed.

Comment E: I am a frequent visitor to Whiteface, both in the summer and winter. I strongly support the proposed UMP. In particular, I think the proposed new lift from the Bear's Den lodge makes a great deal of sense. The summer trails are getting busier every year. It does not sound like there is going to be much high elevation tree cutting so I don't see that as a problem. Thank you!

Response: Comments noted, no response needed.

Comment F: I'm writing to express my unequivocal support for the proposed upgrades to the Whiteface Mountain facility and trails. Modernizing and widening trails will help the venue adhere to ORDA's mission of hosting world-class events, the enhanced NYSEF Training Center will continue the legacy of providing area youth with world-class training and coaching, and the new mountain bike trail projects will help transform the facility into a sustainable, year-round resort which utilizes neighboring (world class) MTB infrastructure currently in place, thereby greatly supporting local towns and businesses. Thanks for making these plans available, and for all the hard work you and the team have done to keep this facility running so well!

Response: Comments noted, no response needed.

Comment G: I am fully in favor of the proposed "upgrades/expansion". Whiteface Mountain and our ski areas are vital component of our region, and we need to ensure we maintain world class facilities, including for NYSEF and world class competitions.

Response: Comments noted, no response needed.

Comment H: A new chair from Bears Den to the base of the summit quad would better serve recreational skiers and upper mountain access from the base. Conversion of the summit quad to a detachable high speed quad would greatly improve top of the mountain experience for recreational skiers.

Response: The chairlift alignment and type suggestions are noted.

Comment I: These updates seem to be in line with Whiteface's Olympic heritage. The widening of trails for racing will help to attract better race events to Whiteface. It's a shame to see Killington on the FIS circuit and not Whiteface. The new Bear Den lift is much needed as well, as it will allow beginner and intermediate skiers more accessible terrain, and make it easier for families to navigate the mountain when they want to get back to the main base area after dropping someone off for a lesson.)

Response: The proposed trail widening in the UMPA will satisfy the requirement to comply with FIS Homologation Standards and will not only allow Whiteface to continue hosting racing events, but also enable Whiteface to host the alpine events for the 2023 World University Games.

Comment J: My name is Andrew Weibrecht and I am a retired professional ski racer from Lake Placid. I competed on the FIS World Cup Tour from 2006-2018, in three Olympic Games (Vancouver 2010, Sochi 2014, Pyeongchang 2018) and have skied in 15+ countries and over 150+ resorts. Having spent the better part of my adult life at and around ski venues, I feel the UMPA makes sense on a number of levels, addressing: safety, traffic flow and logistics. On a basic level, wider trails are safer trails, whether in the context of ski racing or public use. Improved fall zones mitigate the risk of catastrophic injury and trail widening improves the overall flow of the piste. Currently, Whiteface Mountain suffers from a number of “choke points”, where guests of varying abilities are concentrated, raising the risk of: collision, crashes and associated injuries. Selective and strategic widening, as proposed in the plan will be an important step to help ease this congestion, allowing for a safer and more enjoyable guest experience. Logistical improvements, including the construction of traversing trails (ex “Proposed High Country Road Trail”), and the “Proposed Lift”, will improve flow and reduce skier congestion. For obvious reasons, creating more “starting” and “terminating” routes will help to spread skiers across all available terrain. Additionally, this will serve to improve access to and from the popular Bear’s Den Lodge, while decreasing main base area congestion. I am very excited to see the overall improvements and investment in Whiteface Mountain. In my opinion, this plan will further secure Whiteface as world class racing/training venue and increase its desirability as a recreational resort.

Response: Comments noted. ORDA appreciates the comments from 3 time Olympian. No response needed.

4. Multiple Topics

Comment A(1): On behalf of the Adirondack Council, I would like to thank you for the opportunity to provide comments on the *Proposed Whiteface Mountain 2021 Unit Management Plan Amendment (UMPA)*. We appreciate the Olympic Regional Development Authority's (ORDA) efforts to facilitate public outreach and comments on the proposed actions contained in the UMPA. Whiteface Mountain Ski Center is an important, world-class facility that provides recreational opportunities that complement the world-class wilderness areas found in the Adirondacks. Whiteface attracts users and sporting events from all over the world, and is deeply engrained in the regional economy. As long as operations and improvements are legal and environmentally responsible, the Adirondack Council supports ORDA's efforts to modernize the facilities, and host the 2023 World University Games.

It is our understanding that the UMPA will undergo three separate comment periods between ORDA, the Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA), and we look forward to submitting comments for those respective public review processes.

According to Article 14 of the NYS Constitution, the development of ski trails on Whiteface Mountain is expressly limited to twenty-five miles, and there are width restrictions too. The cutting to maintain and the promotion of the "glades" as other maintained and patrolled ski areas also means they are to be counted towards that mileage.

In reviewing the UMPA, it is not clear if the proposed ski mileage and width limitations are consistent with Article 14. In particular, the 2018 UMPA included existing ski glades in its calculations of total trail mileage on Whiteface Mountain. Existing glade mileage accounted for 1.88 miles of trail (p. 365 of 2018 UMPA), which brought the mountain's trail mileage total to 24.57 miles. The proposed 2021 UMPA, however, is silent on how glades impact trail mileage. According to the 2021 UMPA, there are 22.35 miles of existing or proposed trails, with 2.65 miles of allowable and developable trail mileage remaining. While the 2021 plan notes that 0.32 miles of trails proposed in the 2018 UMPA are no longer being pursued by ORDA, there is still a two-mile discrepancy between the 2018 and 2021 total mileage calculations. ORDA must include ski glades in the 2021 UMPA calculations to demonstrate consistency with Article 14 mileage limits, to ensure transparency for its calculations, and to be consistent with the 2018 UMPA.

It is generally accepted that ORDA also needs an amendment to upgrade parts of the Mt. Van Hoevenberg Complex. The parties involved to date mostly did not want to consider a broader multi-site amendment, but if that needs reconsideration those discussions need to start immediately.

In addition, we do have concerns with other elements of the UMPA, and because we support the general stated goals that ORDA has expressed for this project and for hosting the 2023 Games, we outline the following initial comments:

Response: A revised trail mileage table that includes glades is located in section 2(F) of the UMPA, Trail Mileage with 2021 Management Actions. Mileage remains below the 25-mile Constitutional limit for ski trails.

ORDA acknowledges the Adirondack Council's comments regarding a Constitutional amendment for the Olympic Sports Complex at Mt Van Hoevenberg. However, this topic is beyond the scope of the 2021 UMPA for Whiteface Mountain.

Comment A2

Tree-Cutting

According to the UMPA, tens of thousands of trees are proposed to be cut to construct not only downhill ski trails but hiking and mountain biking trails. There are legitimate questions about the consistency of the degree of tree-cutting outlined in the UMPA to construct the ski trails with the Constitution and the "Gitlen memo." We are also concerned about the degree of cutting that will be employed to construct both the hiking trails sited in Bicknell's Thrush habitat and the degree of fragmentation the hiking and mountain biking network could inflict on lower elevation resources.

In addition, at the November 17th, 2021 Forest Preserve Advisory Committee meeting, the DEC outlined that all new trail construction (downhill ski trails approved via Constitutional amendment exempted) has been paused until May 2022. Given this temporal limitation, ORDA should provide a timeline in the UMPA as to when it intends to construct these trails with the recognition that no cutting can occur from May 15 to August 1 during the Bicknell's Thrush breeding season.

Response: See Section 2(F) for an updated mileage calculation summary, including mileage of glades. All trails identified in the ORDA Master Plan for Hiking and Mountain Biking at the Whiteface Mountain Intensive Use Area are subject to the DEC Work Plan Process. No trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design must be approved through the updated Work Plan Process.

See comment 1(A) from the Northern NY Audubon society who believe that the proposed 2021 management actions are protective of BITH.

See section 3(G)(4) for a discussion of lower mountain habitat fragmentation. This area of the mountain is currently fragmented by existing development and over half of the proposed hiking and mountain biking trails make use of existing trails at Whiteface and do not require tree cutting.

ORDA has developed a general schedule for the planned trail work in the response to Comment A7 below and that additional information can be found in Section 2(E) of the UMPA. The more detailed schedule, when it is developed, will adhere to the DEC's timeline for paused new trail construction as announced at the FPAC meeting on November 17, 2021. That schedule will also comply with applicable restrictions on working during the Bicknell's Thrush Breeding season from May 15 to August 1, in accordance with ORDA's currently established practice of restricted tree-cutting and high-intensity construction projects above 2800 feet in elevation.

Comment A3

Impacts to Bicknell's Thrush Habitat

In the United States, Bicknell's Thrush (BITH) habitat (~76%) largely occurs on conserved land in the Northern Appalachians and Adirondacks that is increasingly susceptible to the impacts of climate change and disturbance, like that seen on Whiteface Mountain. We recognize that Whiteface Mountain is classified as an Intensive Use area per the State Land Master Plan and therefore is intended to see higher levels of development and use. However, we are concerned that the UMPA does not sufficiently consider the impacts of trail development and tree removal on BITH, a NYS listed species of special concern. Additionally, recent science indicates that BITH can occupy elevations as low as 805 meters (~2,600 feet). See attached: A fine-scale U.S. population estimate of a montane spruce-fir bird species of conservation concern. This could mean that BITH are actually occurring lower on Whiteface Mountain and their habitat range is larger than outlined in the UMPA.

There are few places across the country that BITH can seek refuge and viable habitat, and the High Peaks region is one. This reality, in conjunction with the anticipated warming New York is projected to see as a result of climate change, means we need to think critically about how management actions, like those proposed, erode BITH habitat and inhibit their resiliency amongst increasing anthropogenic pressures. The Council believes ORDA should seek to more deeply understand the presence and distribution of BITH across the Intensive Use Area through formalized science and monitoring to inform current and future management actions.

Although foot and mountain bike trails seem benign, and are important parts of Adirondack economies, they can have adverse consequences on sensitive species, and BITH is among the most sensitive species in our region. Trails bring increased human use, and may also be used advantageously by opportunistic predators. The effects of any new trails in alpine and sub-alpine habitat on sensitive species should be carefully studied.

Response: "The majority of the research of Bicknell's thrush in the Adirondack Park has been conducted by the Wildlife Conservation Society (WCS) on Whiteface Mountain."²

See UMPA Section 3(G)(2) pertaining to the extensive mitigation measures to be employed to prevent potential impacts to BITH as a result of the proposed hiking trails.

Regarding the elevation range of BITH at Whiteface, and the possibility that BITH are occurring between 2,600 and 2,800 feet, both the characteristics of BITH habitat at Whiteface specifically, and the results of the study submitted with the comment letter, show that BITHs occurring between 2,600 feet and 2,800 feet on Whiteface is very unlikely.

First, the vast majority of BITH spruce-fir habitat on Whiteface occurs above 2,800 feet. Only portions of Little Whiteface in the area of the top of the gondola have spruce-fir habitat at or below 2,800 feet. Previous studies of BITH presence at Whiteface Mountain did not report any BITH on Little Whiteface (Ibid; Glennon, M. and L. Karasin, 2006. "Use of Whiteface Mountain by Bicknell's' thrush and other montane forest bird species 2006 end of field report". Wildlife Conservation Society, Saranac Lake, NY, 9 pp.).

² Glennon, Michale J. and Seewagen, Chad L. (2015) "Conservation Status and Monitoring of Bicknell's Thrush in the Adirondacks and New England: A Brief Review," *Adirondack Journal of Environmental Studies*: Vol. 20 : No. 1 , Article 14.

Second, the paper submitted with the comment letter³ does not indicate that there is potential for BITH to occur on elevations as low as 2,600 feet at Whiteface. According to the submitted paper, BITH are known to use lower elevation habitats primarily north of the 45th parallel (approximately the Canadian border with New York State), and that lower elevation occurrences of BITH north of the 45th parallel were commonly associated with use of regenerating spruce-fir stands that had been cut at lower elevations, such as those in Maine. There are no such low elevation stands of regenerating cut spruce-fir forests on Whiteface Mountain.

ORDA has already restricted tree cutting and high-intensity construction projects during the BITH breeding season (15 May to 01 August). According to a letter submitted by the Northern New York Audubon, the BITH nest density is higher near the edges of naturally disturbed areas such as fir-waves, rock slides, locations where severe weather causes blowdowns, and on the edges of anthropogenic areas such as hiking trails, roads, fire tower clearings, and ski trails.

ORDA will continue to collaborate with Northern New York Audubon to assure that its actions do not negatively impact BITH as it works to implement the changes proposed in the Whiteface UMP Amendment.

Comment A4

Use and Monitoring

The UPMA does not provide detail as to how many hikers or mountain bikers utilize Whiteface Mountain for its more unique front country experience. Given the radio frequency identification (RFID) systems on-site and the requirement that most folks seeking to utilize summer recreation opportunities at the mountain will need to purchase a ticket, there is a unique opportunity to understand how many users are seeking this type of recreational experience over time. We believe this is important information to collect to understand the demand for this type of summer-based recreation to allow for adaptive management and to inform future management of the Intensive Use area.

Response: Thank you. ORDA does not charge hikers. The parking lots, lodges, restrooms, restaurants, and retail store do not acquire visitor database information. People fishing also utilize the parking lots and lodges.

Comment A5

Impacts to the Ausable River

Given the shallow soils across the mountain, and climate projections that rain precipitation events will significantly increase through time, we would like to see the UMPA reflect how the development of both downhill ski trails and 28.5 miles of new or improved existing mountain biking and hiking trails will not result in significant erosion and runoff into the Ausable River.

Response: Whiteface personnel are experienced with construction projects on the mountain, including the effective implementation of Stormwater Pollution Prevention Plans (SWPPPs) prepared in accordance with NYSDEC requirements. The 2021 Draft UMPA (page 3-2) references the six pages of sediment and erosion control mitigation measures in the approved 2018 UMPA (pages V-3 through V-9) that have been developed

³ Hill, J.M. and J. D. Lloyd. 2017. "A fine-scale population estimate of a montane spruce-fir bird species of conservation concern. *Ecosphere* 8(8):e01921.10.1002/ecs2.1921.

for construction at Whiteface Mountain. Structural stabilization measures, vegetation stabilization measures, limiting soil disturbance at any one time, and many other sediment and erosion control measures and best management practices to be followed in order to protect local water quality during construction, including the West Branch AuSable River, are presented in the 2018 UMPA which is incorporated into the 2021 UMPA by reference.

Comment A6

Habitat Fragmentation - Hiking and Mountain Biking Trails

According to Tahawus Trails' Masterplan, "28.5 miles of new trail or improved existing trails" will be developed. The UMPA also notes that ORDA will "construct 19.48 miles of new lift-serviced mountain biking trails connecting existing WFM facilities with a trail along the river that connects with the Flume Parking Lot off NYS Route 86." Whiteface Mountain already sees a high level of disturbance and it is unclear as to how the disturbance and fragmentation of nearly twenty miles of proposed trail, resulting in the removal of 8,850 trees 1" or greater DBH, will impact wildlife and forest health. The cumulative effects of habitat fragmentation - even when seemingly minor, as with foot trail clearing - need to be considered.

Response: The Master Plan is a guidance document that has been removed from the UMPA, but will remain accessible to the public. No trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design must be approved through the updated Work Plan process. All proposed trails will also comply with the revised NYSDEC Management Guidelines for Siting, Construction and Maintenance of Singletrack Bicycle Trails on Forest Preserve Lands in the Adirondack and Catskill Parks. To be clear, the approximately 19 miles of mountain biking trails are included in the "28.5 miles of new trail or improved existing trails". ORDA has considered and addressed habitat fragmentation in UMPA Section 3(G)(4), Lower Mountain Habitat Fragmentation.

Comment A7

Phased Implementation and Timeline

Unit management plans typically contain an outline of phased implementation across a 5-year timespan. We would like to see that included in this UMPA to better understand what the priority projects are and to account for DEC's pause on all new trail construction, except downhill ski trails, on Forest Preserve lands until May 2022.

Response: Additional schedule information for implementation of management actions has been added to Section 2(E), Prioritization and Schedule of Management Actions.

Comment A8

Blasting

The UMPA should better address where blasting will occur and what the impacts will be, including impacts to wildlife and audible impacts to surrounding human communities.

Response: Blasting is addressed in Section 3.A of the Draft 2021 UMPA (pp. 3-1 and 3-2). Included in the Draft UMPA is a table of all soil series and the identification of those soil series with shallow depth to

bedrock. Also included is a map showing soil series locations and proposed management actions (Figure 6, *Soils Map and Proposed Actions*). This provides the information on where blasting may be required. For example, the following proposed new management actions are located in HrF soils in which bedrock is present at a depth of 10 to 20 inches below grade; widen Upper Parkway, widen Wildway, new High Country Road trail, and widen 2200 Road. In addition, section 3.A of the 2021 Draft UMPA references blasting mitigation measures from the 2018 UMPA that is incorporated into the 2021 UMPA by reference. Mitigation measures associated with blasting noise and vibration from the approved 2018 UMPA that will be continued to be followed by ORDA when constructing the 2021 management actions are:

- Blasts will be scheduled for the same time of day whenever possible.
- Blasts will be scheduled for periods of high local activity.
- Blasts will not be scheduled for quiet periods.
- Neighbors will be notified of the blast schedule in advance. (2018 UMPA, page 16).

Comment A9

Meeting Local Needs

The uphill program is currently underutilized and unrealized at Whiteface. ORDA should consider full-day skinning opportunities as well as dedicating some length of trail for it as part of the broad spectrum of equitable and accessible recreational opportunities available at Whiteface. Importantly, uphill skinning allows for a fossil fuel-free mode of downhill skiing.

In conclusion, the Adirondack Council believes that many of the proposed actions are warranted and necessary to maintain Whiteface as a world-class facility. When designed and managed properly, these facilities thrive in areas designated for intensive recreation and offer unique recreational experiences in the national treasure that is the Adirondack Park. Therefore, we ask that ORDA reconsider the elevation at which Bicknell's Thrush occur, elaborate on how tree-cutting will impact the species, and implement a science and monitoring program to understand the presence and distribution of the species on Whiteface Mountain. The details within the proposed UMPA are important for the continued recreational and economic benefits associated with Whiteface Ski Center. Thank you for reviewing and responding to our comments.

Response: See the response in Section 7, Uphill Program, in this responses to comments Exhibit.

Comment B1: Protect the Adirondacks has a number of concerns regarding the Olympic Regional Development Authority's ("ORDA") newly proposed Draft Unit Management Plan ("UMP") Amendment for the Whiteface Mountain Intensive Use Area (the "UMP Amendment"). Protect the Adirondacks believes ORDA's plans violate Article 14 of the State Constitution, the forever wild clause, in a number of areas -- new downhill mountain bike trails, high elevation "lift-serviced hiking trails," and "lift-serviced mountain bike trails." We're also concerned about plans for new alpine ski trails and widening existing trails because it appears that ORDA is close to the constitutional limits on ski trails.

Please find below PROTECT's comments on a series of issues with the UMP Amendment.

ORDA's Compliance with Article 14 at Whiteface Mountain: Our review of the UMP Amendment finds that ORDA's plans to build a downhill mountain biking trail network would violate the Constitution and its overall

alpine ski trail construction and widening plans would strain the UMP's constitutional compliance. The Whiteface Mountain Ski Center is on Forest Preserve land, which is protected under Article 14, Section 1 of the NYS Constitution. The Ski Center was constructed, and operates to this day, under a 1941 constitutional amendment that authorized construction of ski trails and "appurtenances thereto", for the purpose of creating a downhill ski area, which otherwise would have been prohibited by Article 14. The 1941 Whiteface amendment did not authorize any other type of construction.

Article 14, Section 1, the forever wild provision, of the NYS Constitution is a covenant between the governed and their government for the management of the Forest Preserve, one of the greatest public land systems in the United States. Major decisions for the Forest Preserve are not to be made unilaterally by state government leaders or state agencies, but are to be directly made by the People of the State of New York. Article 14, Section 1 states "The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

Article 14, Section 1 was amended by the People of the State of New York in 1941 to authorize "constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex County." In 1987, the People approved a second amendment that limits the total amount of trails at Whiteface that are more than 120 feet wide, but less than 200 feet wide, to less than 5 miles.

When the People approved the amendment for the Whiteface Mountain Ski Center in 1941, and approved the 1987 amendment, they did so to approve a downhill alpine ski area and not a summertime amusement park.

Response: ORDA has reviewed these comments and believes that the proposed management actions are consistent with the authorization provided by Article 14 of the Constitution. Furthermore, nothing in the amendment precludes public access to Whiteface outside of the winter months.

Comment B2: A Downhill Mountain Bike Trail Network is Not an Appurtenance to Winter Skiing: Use of the word "appurtenances" in the 1941 Whiteface Mountain amendment has consistently been taken to mean only the infrastructure that supports downhill skiing. The phrase "together with appurtenances thereto" is used not only for Whiteface Mountain, but also for the Gore Mountain and Belleayre Mountain ski areas that were similarly approved through constitutional amendments. The infrastructure to support downhill skiing has been taken to include ski lifts (from T bars to chair lifts to gondolas), snowmaking systems of pumps, sprayers, and water pipes, base lodges, maintenance buildings, ski racing association buildings, reservoirs, and parking lots. Merriam Webster's Collegiate Dictionary, 10th ed., says an appurtenance is " ... (b) "a subordinate part or adjunct," and "(c) accessory objects."

As discussed above, the 1941 Article 14 amendment authorized "appurtenances" to support "ski trails" at Whiteface Mountain. Facilities, infrastructure, and improvements for summertime non-alpine ski related activities, such as hiking and mountain bike riding, are not "appurtenances" that support alpine skiing. A mountain bike trail can hardly be considered to be a subordinate part or accessory object of a downhill ski

area. Riding a bike does not require skis, nor is it part of the sport of skiing. The proposed major downhill mountain biking trail network at Whiteface Mountain is not covered under the 1941 constitutional amendment under the “appurtenances” umbrella.

Any New Lift-Serviced Hiking and Mountain Biking Trails Must Comply With Article 14: Given that it is not an appurtenance to the ski trails, the only way that the proposed large-scale downhill/”lift-serviced mountain bike” trail network can be constructed at Whiteface Mountain would be through a new amendment to Article 14, Section 1. Generally, hiking trails and mountain bike trails are allowable uses on the Forest Preserve, in designated areas, if they do not unconstitutionally alter the Forest Preserve. However, the level of proposed tree cutting and land clearing for the new trails for lift-serviced mountain biking raises a series of constitutional issues.

Article 14 and Terrain Changes for Proposed Hiking/Mountain Biking Trails: The Whiteface UMP Amendment is proposing two new types of trails on the Forest Preserve: the “lift-serviced mountain biking trail” and the “lift-serviced hiking trail.” New types of trails on the Forest Preserve are constitutionally evaluated according to the level of changes to the Forest Preserve that are required to build them. The principal changes in the proposed UMP Amendment for new types of trails are the level of tree cutting and disturbance or terrain alteration. These two issues were at the heart of the May 4, 2021 Court of Appeals decision in *Protect the Adirondacks v. Department of Environmental Conservation and Adirondack Park Agency*. In that decision a new type of trail on the Forest Preserve, the Class II Community Connector Snowmobile Trail, was found to be unconstitutional due to the number of trees cut down and the amount of terrain alteration planned to build them.

Trail width is a constitutional issue in this analysis because the wider a trail is, the more trees that must be cut down and the more terrain that must be altered. ORDA plans a number of new mountain bike trails on 8-foot cleared corridors that require extensive clearing of the forest. ORDA also plans to “harden or surface” the trail treads with materials other than natural soils.

In the *Protect* decision, the Court stated that it struck down Class II trails in part because they required “greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers.” The Court also stated that the network of wide Class II trails was a major change to the Forest Preserve that required a constitutional amendment to allow construction. Hiking trails, single track narrow mountain bike trails, and cross-country ski trails are the types of trails that can be built in ways that do not require “greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers.”

In addition to the no-greater-interference-than-is-necessary-to-accommodate hikers rule, the Court added, while quoting from the 1930 *MacDonald* decision, “defendants and the dissent contend that the project’s impacts are justified because it enhances access to the Preserve and provides a variety of recreational opportunities. That analysis proceeds from a fundamental misunderstanding. The constitution provides for access and enjoyment of the Forest Preserve as a wild forest: ‘very considerable use may be made by campers and others without in any way interfering with this purpose of preserving them as wild forest lands.’” Here, the Court articulated a wild-forest-lands rule that forbids any activity that significantly alters the natural state of the Forest Preserve. Class II snowmobile trails changed the Forest Preserve in many ways, which is why they

were found to be illegal, from the wide flat trail tread, removal of rocks and roots, extensive benchcuts that introduced human geometric forms to the forest, grass- covered corridors, among many other design features.

Given these tests in the Protect decision, ORDA is constitutionally required to review its proposed mountain bike trails for trail widths, for modifications to the terrain, and for things like jumps and turns that are not part of a standard hiking trail. It should then change and scale back its plans to bring them into compliance with Article 14, to ensure that the damage to the Forest Preserve is not any greater than would be caused by a standard hiking trail.

Article 14 and Tree Cutting for Proposed Hiking/Mountain Biking Trails: In addition to changes to the terrain and the wild state of the forest, ORDA also proposes extensive tree cutting for its new trails that would violate historic constitutional standards. While, due to the 1941 constitutional amendment, the proposed new ski trails are not subject to these standards, the hiking and mountain biking trails are, because they are not appurtenances to the ski trails.

As to what constitutes an acceptable number of trees that can be destroyed on the Forest Preserve during a specific management activity, the three historic Article 14 cases – MacDonald (1930), Balsam Lake (1993), and Protect (2021) – provide the answers. The MacDonald and Protect decisions found that constitutional violations would result from planned state management activities on the Forest Preserve, each of which would have destroyed thousands of trees. In contrast, in the Balsam Lake case a state management action was deemed constitutional and permissible. All new trails should conform with the Balsam Lake decision, where the Appellate Division adhered to and utilized the 1930 MacDonald decision. The Balsam Lake decision was also used in the Protect decision by the Appellate Division, Third Department, when it found an unconstitutional level of tree cutting by the DEC-APA to build Class II trails.

The level of tree cutting in the Balsam Lake decision (which found that cutting 350 trees over 1" DBH over the course of 2.3 miles for a cross-country ski trail was allowable under Article 14) was neither substantial nor material using the MacDonald test. This level of tree cutting would usually also conform with the Protect decision in that new trails should not "require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers" and that the wild forest "state" of the Forest Preserve is maintained. The Protect decision also affirmed that trees at a size of 1" DBH have constitutional protections.

The Balsam Lake standard is 152 trees destroyed per trail mile was allowable. ORDA has proposed a series of trails that greatly exceed that standard. ORDA's tree cutting estimates are not exact counts, but are based on random samples. However, the cutting of 8,850 trees over 1" DBH over 19.5 miles is around triple the Balsam Lake standard. ORDA should note that the DEC is in the process of reworking its Forest Preserve tree cutting policy.

ORDA proposes roughly 5.65 miles of new hiking trails, some of which are high elevation "lift serviced" foot trails. ORDA proposes artificial surfacing of some of these trails. The terrain alteration standards and tree cutting standards discussed above also pertain to the hiking trails.

This system of hiking and mountain bike trails must conform to the MacDonald (1930), Balsam Lake (1993), and Protect (2021) standards. So far, it appears that it does not. The proposed trail system needs to be redesigned and scaled back to bring it into compliance.

Response: Hiking and biking trails are permissible uses in the Forest Preserve. As noted above, Whiteface enjoys explicit constitutional authorization for ski trails and appurtenances thereto. However, such authorization does not preclude the use of the Forest Preserve for other authorized recreation. Utilizing ski lift infrastructure to access the mountain for sight-seeing, hiking, and mountain biking is not prohibited by Article 14 of the NYS Constitution. Refer to Section 2.B.11 and 2.B.12 in the UMPA for a description of the hiking and biking management actions.

As noted above, no trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design must be approved through the updated Work Plan process. All proposed trails will also comply with the revised NYSDEC Management Guidelines for Siting, Construction and Maintenance of Singletrack Bicycle Trails on Forest Preserve Lands in the Adirondack and Catskill Parks.

Comment B3

Ski Trail Mileage and Widths: Another issue of concern under Article 14 is whether ORDA is in overall compliance with the ski trail limitations in the 1941 and 1987 constitutional Amendments. The UMP Amendment states that ORDA is in compliance with these caps. While ORDA provided a chart stating that it remains more than two miles under the constitutional maximums, it did not provide adequate maps, locations of its trail width measurements, an explanation of how the lands that include appurtenances are included in this calculus, or things like GPS coordinates. We urge ORDA to provide greater information and proceed with greater transparency in how it calculated that it is below the constitutional limits.

Response: Detailed ski trail inventory information including mapping, individual trail lengths and widths, methodologies etc., is included in the Trail Inventory and Analysis in Appendix 5 of the 2018 UMPA. Trail adjustments included in the 2021 UMPA management actions were accounted for using the same criteria and methodology.

Comment B4

Mountain Bike Skills Park: Protect the Adirondacks is unaware of any other place in the Forest Preserve where this type of facility has been constructed. The 1-acre highly developed and intensively altered area appears to be unconstitutional. The proposed UMP Amendment states that “skills parks are a common feature at modern bike parks.” Yet, Whiteface is a downhill ski area, not a modern bike park. According to the UMP Amendment, these parks offer “a variety of riding features, such as rollers, berms, drops, balance beams ... (i.e.: wide balance beam, narrow balance beam, “S” balance beam).” ORDA states the “proposed skills park at Whiteface is located near the Bear Den base lodge in the forest to the east of new ski lift’s loading area. This skills area will be about an acre in size and can be constructed around large trees thereby minimizing significant tree cutting.”

In striking down the State's plan to build a bobsled run for the 1932 Winter Olympics, the MacDonald decision prohibited facilities on the Forest Preserve which are not intended to provide public access to those lands. Trees may not be cut in the Forest Preserve for a use such as the "skills park", which is unrelated to access to forever wild land, and which is not authorized by the 1941 amendment to Article 14 as an appurtenance to a ski area.

Response: No tree cutting will be necessary for the proposed skills park which will serve as a learning area for the public to practice skills prior to embarking upon the network of mountain biking trails.

Comment B8

Compliance with the Mountain Bike Trail Guidance: The proposed UMP Amendment states that ORDA plans to "Construct new lift-serviced mountain biking trails connecting existing WFM facilities with a trail along the West Branch AuSable River and eventually connecting with the Flume Parking Lot off NYS Route 86 (in Wilmington Wild Forest). A total of 19.48 miles of singletrack mountain bike trails between 36 and 72 inches wide are proposed, including 6.25 miles of easiest (green) trails, 10.53 miles of more difficult (blue) trails and 2.7 miles of most difficult (black) trails." This plan appears to be at variance with the APA's published Management Guidance for mountain bike trails. The widest permissible trails have a 36 inch tread, which would be similar to ORDA's proposed "green" trails. The "blue" trails would be the "easy" to "more difficult" trails in the Guidance, which are 24"-36" in width. ORDA's "black diamond" trails would be the "very difficult" or "extremely difficult" under the Guidance, which are 12"-18" wide. We do not see how 72"-wide mountain bike trails would conform with the APA's Management Guidance for mountain bike trails.

Response: ORDA fully understands the policies under revision and will comply with those revised policies. No trail construction will occur until DEC has finalized the comprehensive review of applicable trail construction policies. All proposed trail work will be reviewed in accordance with that policy, and final siting and design of any trail must be approved through the updated Work Plan process.

Comment B9

Bicknell's Thrush Habitat: Bicknell's Thrush is a state-listed bird species of special concern, which utilizes Whiteface Mountain as summer breeding habitat. ORDA proposes cutting over 33,000 trees for the new downhill ski trails, while also planning to undertake projects previously approved that will cut over 10,000 additional trees. ORDA should provide a map and tree cutting data for all trees which are in Bicknell's Thrush habitat, above 2,800 feet. ORDA's plans not to cut trees during nesting season is a step in the right direction, but a better approach would be to sparingly cut fewer trees above 2,800 feet. ORDA states that just 12.5 acres of the 2,910 acres of the total Intensive Use Area will be affected. ORDA does not provide the number for the total Bicknell's Thrush habitat that will be affected. ORDA should also provide data of the historic extent of Bicknell's Thrush habitat development among the total viable Bicknell's Thrush habitat in the Intensive Use area. On behalf of the Board of Directors of Protect the Adirondacks, I thank you for the opportunity to share our views on this draft plan.

Response: See Figure 10 in the UMPA, *Potential Bicknell's Thrush Habitat and Proposed Actions*, showing ski area improvements in relation to the 2,800 foot elevation contour and the limits of spruce-fir habitat mapped on the Intensive Use Area. Also see figure 11 in the Draft UMP, *Potential Bicknell's Thrush Habitat and*

Proposed Hiking Trails, which also shows the 2,800 foot elevation contour and the limits of spruce-fir habitat mapped on the Intensive Use Area in the context of the proposed trails.

No ski area improvements are proposed in BITH habitat as shown on Figure 10. See UMPA section 3(G)(2).

No mountain bike trails are proposed above 2,800 feet, and tree cutting has been minimized above 2,800 feet for the hiking trail re-alignments. Those re-alignments are proposed to minimize environmental damage to the site caused by the existing fall line alignments and currently un-managed use near the summit of Little Whiteface.

5. Support for Hiking and Mountain Biking

Comment A: I'd like to voice my full support of the proposed mountain bike trails and skills park at Whiteface. In my career as a full-time professional mountain bike coach, I travel to riding destinations all over the country. Having a lift-serviced bike park is something that's been sorely missing in our area. The previous bike park at Whiteface was not built sustainably, nor did it have much to offer in the way of mass appeal for riders of varying skill levels. Reading through the proposal, the new trails would take care of both those concerns. Our area has a very strong riding scene through the trails built by the Barkeater Trails Alliance. Those trails have become a significant draw for riders from outside the area. A lift-serviced bike park would be a further enhancement and compliment to the other trail networks in the Olympic region.

Response: Comment noted. No response is needed.

Comment B: It would be really wonderful to have a ski track/easy mountain bike trail network that could traverse the mountain area to get a skier safely to the top of little whiteface, summit, and lookout mountain. A lot of people would love to burn some calories to climb and ski day in and day out.

Response: Additional mountain biking is proposed in the Draft UMPA. However, the proposed mountain bike trails do not include access to the top of Little Whiteface, the summit of Whiteface or Lookout Mountain. A map of the proposed mountain bike trails is Figure 3 in Exhibit 3 of the Draft UMPA.

6. Uphill Program

Comment A: I would like to submit these comments not only in response to your request for input into the UMP but also to ORDA's management team please. I applaud the efforts of Whiteface to improve the ski area. However, the UMP ignores the growing demand for and recently approved Olympic sport of uphill skiing. This UMP update would have been an excellent opportunity to include an all-day uphill route that recreational uphill skiers could enjoy and Olympic hopefuls could train on. This sport is exploding across the country and the world and ORDA should and could easily embrace it, expand its existing program and dedicate a trail(s) or alternating trails to the sport. Many ski areas in this country are opening their eyes to the sport and potential while Whiteface appears to be ignoring the opportunity.

Whiteface could be the premier uphill skiing destination in the Northeast and potentially the country due to its vertical and varied relief. On behalf of all of us who enjoy this sport please add an uphill component to the UMP.

- SKIMO is now a world cup event and will be in the next Olympics.
- USA SKIMO or US Ski Mountaineering Association is the USOPC appointed association for the 2026 Olympic team selection and ISMF recognized national sport organization. USSMA fully supports our efforts and the potential that Whiteface holds for SKIMO on an Olympic level in all aspects, from youth programming and team development to World Cup level competitions.
- World University Games would be the perfect place to launch the first international SKIMO race at Whiteface.
- The demand for uphill at Whiteface and other ski areas is not only from the growing popularity of the sport but climate change is severely limiting the opportunity in the back country for as much as the winter driving more skiers thirsting for the sport to ski areas.

It is probably too late (very unfortunately) to incorporate an uphill trail in the UMP but I implore ORDA to embrace the sport of uphill and adopt common sense, easy to implement, mountain management changes to its snow grooming and other management practices to not only allow uphill but expand it.

Ideas for ORDA's consideration:

- Schedule the first groom on the uphill route to the top of the mountain (every day to the top not maybe). Designate 2 routes in case the winch cats need to work one of the routes. Stowe has a huge board at the base of their mountain welcoming uphill skiers and announcing which route is open that morning.
- Review the policies and management techniques of other ski areas. I have reviewed the uphill policies of Jay Peak, Cannon, Bromley, Titus, Hunter, Stowe and Mad River and all are friendlier than and more accommodating than Whiteface. They all are able to accommodate uphill skiers in a safely and friendly manner.
- Expand the 3-day policy to 4 days this year and eventually all week.
- Announce the availability and uphill route the night before not at 5:30 the morning of. If the conditions look unsafe due to weather, it is completely understandable that the mountain closes uphill but the call could and should be made earlier.
- Open the program in December when there is the most need and demand.

- Sell passes online like all your other passes ORDA sells.
- If it is difficult to staff, ask for volunteers.
- Mark the uphill trails trail and the side of trail desired for uphill with small luminescent UP signs.
- Schedule an uphill race this spring on a Saturday or Sunday that starts at 2 or 3pm goes up the far left side of the mountain to the top of lift 6, down to the "Coon Pit" up Look Out (Hoyts) and down Wilmington Trail to an awards ceremony and party. Put it on the SKIMO race calendar. Whiteface has a huge opportunity. Please take advantage of it.

Response:

ORDA is not prepared at this time to consider a Management Action to amend the UMP to cut a specific trail for uphill skiing. ORDA promotes multi-use occupancy, but uphill goes against the flow of alpine skiing which can result in conflicts with operational grooming equipment. The Uphill program at Whiteface operates in early morning hours before downhill operations open.

Exhibit 11
Errata

The following changes, additions and deletions were made to the Public Draft when preparing the Proposed Final version of the Whiteface Mountain 2021 UMPA.

1. The full discussion on measures to mitigate potential impacts to Bicknell's thrush from the 2006 UMPA has been added in its entirety to section 3(G)(2) of the 2021 UMPA.
2. A new management action of constructing a 10x20' prefabricated concrete restroom building next to the Timing Building and replacing the outhouse building has been added.
3. A new management action of installing three dual port electric vehicle (EV) charging stations in the parking area at the NYSEF building has been added.
4. A new section 3(G)(4), Lower Elevation Habitat Fragmentation, has been added.
5. Revised tree cutting numbers are provided in Section 3(G)(3). Numbers now take into account trees to be cut for previously approved actions that are no longer proposed as a result of the 2021 UMPA. There is a significant reduction in the numbers of trees to be cut.
6. The Mixing Bowl lift has been removed.
7. The additional Mixing Bowl trail widening tree clearing on skier's right (towards the river) approved in 2004 is no longer proposed.
8. Additional SEQRA documentation has been added to Exhibit 9 including completed Parts 2 and 3 of the full environmental assessment form and a negative declaration.
9. Exhibit 10, Response to Public Comment, has been added.
10. Trail mileage statistics, including glades, have been added. Whiteface still complies with the less than 25 miles of trails Constitutional limit.
11. A 2022 and 2023 implementation schedule for new management actions has been added.
12. Exhibit 11, Errata, has been added.
13. Figure 2, Master Plan, is now Figure 2A. The new Figure 2 more prominently highlights just the actions proposed in the 2021 UMPA.
14. The Master Status Table in Exhibit 1 has been updated.