

Appendix A.7

Review of Mitigation Measures Proposed in the DEIS

Project Technical Memorandum

To: NYCDEP – OEPA
Subject: Crossroads DEIS Review -Deliverable A.5 – Review of Mitigation Measures Proposed in the DEIS
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Introduction

RKG Associates and EA Engineering have reviewed the mitigation measures proposed Crossroads Ventures' Draft Environmental Impact Analysis (DEIS) for the proposed Belleayre Resort at Catskill Park. This Technical Memorandum provides an overview of specific mitigation measures proposed in the DEIS, discusses potential shortcomings associated with those mitigation measures, and suggest some measured that should be considered.

General Observations

In many cases, the specific mitigation measures proposed in Chapter 3 (Environmental Setting, Potential Impacts and Mitigation Measures) of the DEIS, specifically those related to land use, schools, roadways and socioeconomics are insufficient. This can be partially attributed to the DEIS concluding that there would be no adverse impacts from the proposed project, and as such, no mitigation measures are necessary. As discussed in Appendix B.3 (Evaluation of Economic Impacts of the Proposed Belleayre Resort using the REMI Model) and Appendix A.2 (Review of the Age and Adequacy of Socioeconomic and Market Data Used in the DEIS), the DEIS ignores induced residential growth and construction traffic (both construction workers and heavy equipment/trucks), and it summarily dismisses the potential for new non-residential construction. Ignoring potential impacts allows for potentially critical mitigation measures to go unconsidered.

Specific Mitigation Measures

3.1 Geologic and Topographic Resources

The DEIS states, "No specific mitigative measures are proposed since no adverse impacts from blasting on groundwater resources are anticipated." It goes on to propose that the blasting contractor collect data to document the characteristics and condition of local residential wells before blasting as a benchmark to measure the potential blasting effects against the baseline data. Beyond the pre-blast surveying, the DEIS should propose a process to confirm blast-related problems with existing local wells and a mitigation program to repair or replace such impacted wells.

The DEIS indicates that soil removed during blasting will be stockpiled. The DEIS should clearly identify where these stockpiles will be located and how they will be managed and mitigated.

The DEIS indicates that proposed project does not include significant “borrow areas” or soils and gravel pits. The significant cut and fill requirements should be considered in the same manner as borrow areas.

Grading side slopes for access road construction were increased to 1.5:1. On those slopes that are greater than 1.5:1, construction materials have been proposed to stabilize these areas. Greater detail is needed to characterize the extent of these areas of greater slopes and the specific mitigative measures/materials to be implemented to achieve this stabilization.

3.2 Surface Water Resources

The DEIS provides conceptual details for stormwater management during Phase 2 of Big Indian; full construction design details will need to be reviewed and approved by NYCDEP for each phase and subphase prior to initiation of construction. Considering the character of the terrain and the associated potential for significant environmental damage under severe weather conditions, mechanisms for control, inspection, and enforcement must be clearly defined in the permitting process. The DEIS indicates that a Certified Professional Erosion Control Specialist (CPECS) will be hired by the Applicant. We propose that the CPECS be hired by NYCDEP and that the developer reimburse the NYCDEP for this expense.

The Draft SPDES Permits specify that an approved erosion and sedimentation control plan and stormwater pollution prevention plan be in place prior to initiation of each construction phase and that stabilization of disturbed areas from prior phases be completed. Stabilization should be confirmed by inspection by NYCDEP and NYSDEC. As greater than the typical maximum 5-acre disturbance is proposed for this project, stabilization should require complete establishment of vegetative cover on all disturbed areas and all material stockpiles before initiating subsequent phases of construction. Approved plans should provide for management of all stockpile areas. Stockpiles should be created only on relatively flat land (i.e., less than ...feet), and buffer zones should be established between stockpiles and steep slopes. The DEIS indicates that stockpiles not used within 14 days will be stabilized using tackifiers. With the maximum disturbed surface allowance increased to 25 acres, a more rigorous use of sprayed on erosion control materials should be required.

Calculations should be presented to support the containment of the 100-year storm for the portable rock crusher and concrete batch plant. The feasibility of containment is questionable.

How will maintenance in compliance with the SW Design Manual be enforced? The DEIS plan for control of surface water quality specifically weighs control of phosphorous loading against control of thermal loading to surface waters. Surface water quality control under the stormwater permitting process is not a matter of balancing; the plan must demonstrate compliance with both thermal and pollutant limits to protect trout waters and limit phosphorus loading to meet water quality and TMDL objectives.

Stormwater management plans are needed for the new road across Giggle Hollow showing details for all swales, culverts, and discharge structures. Appropriate sizing must be demonstrated using calculations based on design storm conditions for the 10- and 100-yr events.

The DEIS ignores the potential for significant amounts of pesticides to end up in the proposed drainage basins. The DEIS should specify what mitigation measures will be implemented if it is determined through monitoring that pesticides used for turf management are not mitigated within the soil profile, but are short-circuited via drainage fields to the stormwater detention basins.

3.3 Groundwater Resources

The DEIS states, “If groundwater is encountered during the construction phase, temporary settling basins will be used to reduce the potential for down-gradient sedimentation.” Based on visits to the site, it is likely that such groundwater will be encountered during excavation on the site. Ground water may be intercepted during excavation of road cuts across Giggle Hollow and the new Friendship Road access. Furthermore, no stormwater controls have been proposed for these roads. Stabilization of road cuts that encounter ground water is difficult in this steep terrain, as shown by roadwork along Woodchuck Hollow. No information is provided as to how exposed groundwater seeps would be stabilized during construction or how the design plans may be altered to avoid and mitigate such seeps. If changes in design are required to address and manage groundwater discharges, the DEIS should specify what process will be used to assure review and approval of those changes by NYCDEP watershed staff.

3.5.1 Natural Resources—Vegetation

The DEIS indicates that 84 percent of the disturbed area will be revegetated. The use of ornamental non-native vegetation should be minimized, in order to limit the potential of introducing invasive exotic species. It is indicated that clear-cutting of trees will be limited to the identified limits of the development. Clearing of under-story vegetation and woody debris will, however, occur. Woody debris within the undisturbed areas should be left in place; this material is an essential part of the normal succession and nutrient cycling in forested ecosystems.

The DEIS emphasizes the planting of over 4,000 trees on the site as mitigation. This planting rate works out to less than 10 trees per acre. The plan also does not specify the size of the trees to be planted.

In addition to clearing limits proposed for the Highmount Estates Subdivision, limits and guidance should be provided to prevent the introduction of invasive exotic species in landscape plantings at these homesites.

3.5.2 Natural Resources—Wetlands

The DEIS indicates that wetland impacts have been avoided and that less than 0.1 acre of wetlands will be impacted. However, the classification of several significant wetland areas within the development as isolated and thus out of federal regulatory jurisdiction is not supported, based on the observed drainage channel connections to waterways that flow to the Pepacton and Ashokan Reservoirs. Although these may presently be classified as isolated, non-jurisdictional wetlands, they are still wetland ecosystems and impacts to both isolated and non-isolated wetlands should be clearly tabulated. With the amount of land available at the project site, the golf course design should make every effort to avoid, minimize, and mitigate wetland disturbance to all on-site wetlands. A review of these determinations has been requested by NYCDEP. The most significant wetland impacts are proposed to occur within these “isolated” wetlands, including filling of several acres for construction of fairways. One area in the vicinity of the Marlowe Mansion is uphill of the Fleischmanns water supply and may serve as a recharge area for the aquifer supporting that water supply. This potential connection should be investigated. Alternative alignments of fairways should be proposed that would avoid and minimize these impacts and on-site mitigation should be considered.

Tree cutting and removal from forested wetlands should not be permitted, as this will alter the wetland characteristics, including hydrology and nutrient cycling.

3.5.3 Natural Resources—Wildlife

Surveys of wildlife resources on the project site were very limited and qualitative in nature. Considering the complexity of the terrain, a more rigorous mapping of habitat and surveys for threatened and endangered species should have been undertaken. Although the impacts to wildlife may be minimal considering the extent of contiguous protected forested resources, the benefits of increased habitat diversity and edge effects on wildlife resources due to construction of the golf courses are overstated in the DEIS.

3.7.1 Traffic Issues

The DEIS evaluates a variety of factors associated with traffic, and proposes various mitigation measures associated with the impacts of the project. Categories evaluated include:

- Trip Generation,
- Trip Distribution,
- Traffic Assignment,
- 2008 Build Traffic,
- Accident Analysis,
- Sight Distance Analysis,
- Capacity/Level of Service Analysis, and
- Blasting.

However, these analyses do not consider the impacts associated with the construction traffic at the project during the proposed eight-year construction period. No consideration or evaluation of vehicles for construction employees is included, which could add 125 vehicles or more to peak hour traffic on NYS Route 28 in the AM and PM peak hours, based on the anticipated average of more than 250 construction employees on-site on a daily basis.

In addition, the DEIS also ignores the number of construction vehicles and trucks which will be bringing materials, equipment and fill to the site. The DEIS indicates the need to import more than 200,000 yards of topsoil for the golf courses. During a meeting with the Developer, it was indicated that all of this topsoil would come from a single location. It is anticipated that numerous truck trips over the same route would have a significant impact on the specific roadways used, and that these impacts, and their related mitigation measures, are ignored in the DEIS.

3.8.2 Adjacent Land Use and Community Character

The DEIS indicates that induced growth “may be accommodated by improvements to existing businesses, re-occupancy of existing structures or in-fill development in hamlets and villages. It is not anticipated that there will be a significant amount of new construction.” The DEIS goes on to indicate that “No significant impacts have been identified, and no mitigation measures are necessary.” The Consultants disagree with this statement.

First, while some new retail square footage can be accommodated in the villages and hamlets, development economics will result in pressure for development along Route 28, likely in close proximity to the entrance to the proposed resort developments and the Ski Center. The assertion that there will be no significant amount of new construction is not realistic.

Moreover, the DEIS ignores potential population growth, and the associated need for new residential units to support the expanded population. As discussed in Appendix B.3, (Evaluation of Economic Impacts of the Proposed Belleayre Resort using the REMI Model), it is anticipated that more than 150 new housing units would be required within

the primary market area¹ over the initial ten years of the project, and these housing units would have impacts on community services, most notably public schools.

3.9.7 Schools

The DEIS ignores the potential for induced residential growth associated with the proposed resort development. It is estimated that more than 150 housing units will be needed in the four town study area to support population growth projections associated with the construction and operation of the proposed resort. At .3 to .6 students per household, the schools in the four town study area could see an additional 50 to 100 students.

The DEIS also indicates that the Margaretville Central School District “stated that they have capacity to serve the proposed project,” and references an exhibit in Appendix 6, “Letters of Record”. However, a review of the letter provided by Marcia Franklin, Superintendent of Schools, indicates “Our organization has the capacity to service the Belleayre Resort at Catskill Park project, with the understanding that probably only the privately-owned homes in Highmount Estates might house school-aged children.”

Mitigation measures for potential impacts on the local schools should be proposed, since ignoring these impacts is unsound and unrealistic. The DEIS goes on to indicate, “The vast majority of employees in the hotel industry are young, mostly in their 20s and mostly childless. Those who have children typically have very young children.” No source is cited for these “statistics.” In any case, an employee who has “very young children” would likely have an impact on the schools in the region within three to four years, as the children reach school-age.

3.9.9 Roadways

As discussed above, the DEIS does not address the impacts associated with construction vehicles. The DEIS contends “There will be no additional demand for road maintenance as a result if the proposed project.” However, based on the developers indication that the project will require up to 230,000 yards of imported topsoil, roadway degradation is likely to occur. As such, the entities responsible for roadway maintenance, including the New York State Department of Transportation, the Towns of Shandaken and Middletown, and Delaware and Ulster Counties, could see an increased need for roadway maintenance and repaving. Other governmental entities could also be affected, depending on the source of fill and topsoil for the project.

3.10 Socioeconomic Setting

The DEIS provides extensive information regarding the socioeconomic setting for the proposed resort development. As discussed in Appendix A.2 (Review of the Age and

¹ Shandaken, Middletown, Olive, and Andes

Adequacy of Socioeconomic and Market Data Used in the DEIS), RKG questions the accuracy of some of the information used in the DEIS, particularly population projections through 2005, which do not appear to have been updated with the various versions of the DEIS. Since the Applicant bases some of the mitigation measures in the DEIS on issues related to the socioeconomic setting for the proposed Belleayre Resort, these inaccuracies could result in inadequate mitigation measures.

The DEIS does not accurately present the potential tax revenues associated with the project. It refers to cumulative and future tax revenues in several places, but does not provide an evaluation of tax receipts during the early years of the project, when tax abatements and incentives would limit the actual amount of tax revenue that actually would flow to the various taxing entities.

The DEIS concludes that “No mitigation measures are required since all identified impacts are positive. **Municipal revenues generated by the project will greatly exceed any costs from the limited increase in demands imposed on service providers.**” While this may or may not be true for the direct impacts associated with the project itself, the Applicant has not adequately evaluated the specific costs associated with the provision of municipal services, nor have the costs associated with construction traffic and induced residential growth been adequately evaluated.