

# **Erosion and Sediment Control**

## **Stormwater Management**

# Erosion and Sediment Control/Stormwater Management Findings

## *Stormwater Management*

104. The Project Sponsor's June 2010 submission included a revised Stormwater Management Plan. Exhibit 84. The stated goal of the stormwater management plan is to mitigate effects of the increased volume and rate of surface runoff caused by the development. The New York State Department of Environmental Conservation Stormwater Management Design Manual August 2003 (updated August 2008) was the basis for design in the June 2010 submission. Water Quality Volume requirements are proposed to be achieved through standards practices such as micropool extended detention ponds, dry swales and bioretention/rain gardens. Channel protection volume requirements are proposed to be achieved through standards practices such as micropool extended detention ponds. Overbank flood and extreme storm criteria are proposed to be achieved through standards practices such as micropool extended detention ponds and stormwater control structures with staged orifices.

# Erosion and Sediment Control/Stormwater Management Findings

## *Stormwater Management*

105. The maintenance of the majority of stormwater management practices will be dedicated to the Town of Tupper Lake with the remainder the responsibility of the ACR-HOA.
106. The NYSDEC has asked the Project Sponsor to provide a revised Stormwater Management Plan that meets updated 2010 standards.

# Erosion and Sediment Control/Stormwater Management Findings

**Issue No. 1: Is the natural resource protection (including visual, forest resource, habitat and other natural resource considerations) implicit in Resource Management land use area adequately protected [§805(3)(g)(2)]; are the proposed great camp lots “substantial acreage...on carefully and well designed sites?” Are there alternatives, and if so, what are the relative impacts on these resources? The scope of Issue No. 1 includes potential stormwater impacts, and a consideration of using Read Road as an alternative.**

# Erosion and Sediment Control/Stormwater Management

## Findings

### Issue No. 1: Soils/Surface Waters/Groundwater

123. On RM lands, implementation of proposed grading, drainage, site layout, erosion and sediment control, on-site wastewater treatment, road and stormwater plans will serve to protect soil, surface water and groundwater resources. Conditions addressing grading, vegetative cutting, and clearing limits; wetland protection; planting plans; building footprints; erosion and sediment control; stormwater management; wastewater treatment and the need for independent environmental monitors are warranted and contribute to this finding.
124. For the eastern Great Camp Lots that do not yet have engineered designs of individual on-site wastewater systems that meet NYSDOH and Agency standards (Lots E, 20, 23, 26, 29, 30 and 31), groundwater on those lots cannot be considered to be adequately protected in the absence of such engineered designs. If such designs cannot be developed to the satisfaction of the Agency, those Lots should be designated as non-building lots.

# **Erosion and Sediment Control/Stormwater**

## **Management**

### **Findings**

**Issue No. 9: Are there undue adverse downstream stormwater impacts associated with the base lodge subcatchment area; specifically, the water quantity components (i.e., overbank flood and extreme flood) included in the stormwater pond designs?**

172. Elimination of the East Ridge development and certain upper portions of the West Slopeside development area reduced stormwater impacts associated with the base lodge subcatchment area.
173. The installation of a new 42” concrete elliptical culvert at the Cranberry Pond outlet stream crossing at New York State Route 30 reduced flooding concerns at this location.

# Erosion and Sediment Control/Stormwater Management Findings

174. The response to Issue No. 9 in the Project Sponsor's Updated Information for the Adjudicatory Hearing Main Volume dated June 2010 (Exhibit 81) and the revised Stormwater Management Report dated June 2010 (Exhibit 83) satisfactorily addressed downstream stormwater impacts associated with the base lodge subcatchment area.
175. The existing culverts at Ski Tow Road adjacent to Cranberry Pond are half filled with sediment. They should be replaced when roadway improvements occur on Ski Tow Road and new underground water and sewer infrastructure is installed at this location to serve the project.
176. Conditions to help define and/or minimize stormwater runoff and erosion and sediment control impacts in the base lodge subcatchment area are appropriate. In addition, final approval and issuance of a SPDES permit from NYSDEC will further mitigate stormwater impacts from this area.

# Erosion and Sediment Control/Stormwater Management Conditions

55. Erosion and sediment control practices and stormwater management facilities shall be constructed in compliance with the locations and designs shown on the Project plans and with the Storm Water Pollution Prevention Plan referenced in the Order (the “SWPPP”). The construction of the facilities shall be under the supervision of an appropriately trained professional (e.g., Licensed Professional Engineer, Registered Landscape Architect, Certified Erosion Control Specialist).
56. As necessary, a State Pollution Discharge Elimination System (SPDES) stormwater permit must be obtained from NYSDEC prior to undertaking construction activities on the project site. Any changes to the SWPPP or other approved stormwater practices pursuant to NYSDEC’s review must be submitted to the Agency for review and approval prior to undertaking the specific construction activities identified in the SWPPP.



# Erosion and Sediment Control/Stormwater Management Conditions

57. Responsible Parties shall implement the maintenance plan for all erosion control and stormwater management facilities on the Project site in compliance with the SWPPP. Records of maintenance pursuant to the SWPPP shall be maintained on site such that the last 3 years of records are available at any time for Agency inspection. Responsible Parties shall deliver the maintenance plan to the ACR-HOA at the time the ACR-HOA takes responsibility for the plan or any portion thereof. Thereafter, the ACR-HOA shall implement the stormwater maintenance plan on the Project site and maintain the records in the manner described herein.
58. Any land disturbance shall be within the limits of clearing as depicted on the Project plans and in no case shall such disturbance exceed five contiguous acres at any one time unless otherwise required by the SWPPP and unless reviewed and approved by the Agency.

# Erosion and Sediment Control/Stormwater Management Conditions

59. Any areas of disturbed soils or soil stockpiles that are not subject to active construction or other Project activity for a period of fourteen (14) consecutive days, unless a shorter number of consecutive days are specified in the SWPPP, shall be temporarily stabilized by hydroseeding with ryegrass and mulch.
60. Any work on subsequent phases of the Project shall not be undertaken until all disturbed soils associated with the previous phase of the Project are permanently stabilized with vegetation.
61. At the time of any water, sewer or road infrastructure improvements located on or adjacent to Ski Tow Road and required to serve the project, the Project Sponsor or other Responsible Party shall, in consultation with the Town of Tupper Lake, design and install appropriately sized replacement culvert(s) at the Ski Tow Road crossing adjacent to Cranberry Pond. In addition to appropriate engineering standards, the culvert design shall take into account the hydrology at full build-out and properly address fish, amphibian, and wildlife migration.

# Water Supply

# Water Supply Findings

## Water

40. The Project Sponsor proposes to provide water supply for both potable demand and fire protection from the Village of Tupper Lake water supply system to all of the residential and amenity development within the project site except for Great Camp Lots A-H, 20-26 and 29-31. Those Great Camp Lots are proposed to be served by on-site wells.
41. The proposed connection to the Village of Tupper Lake water supply will require the construction of on-site water infrastructure including a new 280,000 gallon water storage tank located on Mount Morris, approximately 15 miles of transmission lines and new pump stations. In addition, improvements to existing off-site Village infrastructure such as the Tamarack booster station and the water treatment plant would be required to serve all phases of development. An existing Village water booster station will need to be upgraded and approximately 64,000 lineal feet of 8 inch diameter and 13,000 lineal feet of 6 inch diameter, cement lined, Class 52, ductile iron, force main will need to be installed to convey the water from the Village supply to the development.

# Water Supply Findings

42. The Project Sponsor proposes to pay for necessary upgrades to the Tamarack booster station and to cost-share with the Village with regard to other off-site improvements to the water supply system needed for the project. No cost-share agreement exists with the Village of Tupper Lake at this time. The Project Sponsor proposes to pay all costs for all water supply infrastructure (e.g., water storage tank, pump stations, water lines, meters) within the project site.
43. The Project Sponsor has proposed to provide an easement to the Village of Tupper Lake for the purpose of accessing and maintaining the section of the existing Village water supply line that is on the eastern portion of the project site and depicted on Drawing EX-2 of Exhibit 83.

# Water Supply Findings

218. No Great Camp Lot should be connected to the municipal water supply system due to concerns expressed by the Village of Tupper Lake, New York State Department of Health, and Agency staff.
219. Water supply improvements are required to serve all phases of development. Cost-sharing agreements for water supply improvements required to serve all phases of the project have not been finalized with the Village of Tupper Lake. The Project Sponsor should pay its proportional share of costs related to any off-site water supply infrastructure.

# Water Supply Findings

220. The formation and extension of the water district and associated on-site and off-site water supply improvements required to serve any phase of the Project will require additional review and approval from NYSDOH, NYSDEC, Village of Tupper Lake, Town of Tupper Lake requirements and the Town/Village Planning Board.
221. Conditions intended to limit public vulnerability and ensure there is an adequate water supply to serve all phases of the project are appropriate.

# Water Supply Conditions

62. No Great Camp Lot shall connect to the Village of Tupper Lake municipal water supply system.
63. All on-site and off-site water supply improvements required to serve any phase of the Project shall be installed in accordance with applicable NYSDOH, Village of Tupper Lake and Town of Tupper Lake requirements and any conditions of the Town/Village Planning Board.
64. All on-site and off-site water supply improvements required to serve any phase of the Project shall be installed in accordance with any cost-sharing agreements with the Town and Village of Tupper Lake.



# Water Supply Conditions

65. The proposed water supply, storage, and distribution system for the Project shall be constructed in compliance with the locations and designs shown on the Project plans and with all other applicable requirements from NYSDOH, NYSDEC, Village of Tupper Lake and Town of Tupper Lake and any conditions of the Town/Village Planning Board. Any changes to the project plans referenced herein resulting from any other jurisdiction shall be submitted to the Agency for review and approval in the form of a new or amended permit, or a letter of permit compliance, at the Agency's discretion. The construction of all the components of the water supply system improvements shall be under the supervision of a NYS licensed professional engineer.

**Sewage Pump Station**

**Community Wastewater  
Treatment Plant**

**Individual Wastewater Treatment  
Systems**

# Wastewater - Findings

## Proposed Project

44. Great Camp Lots A through H and Great Camp Lots 20 through 26 and 29 through 31 are proposed to be served by individual on-site wastewater treatment systems.
  
45. The Project Sponsor proposes to install the septic lines for Lots 22, 23 and 24 because of the need for blasting and the proximity of those septic lines to the Village's existing water line. This proposal is described in the Project Sponsor's May 27, 2011 comments on the staff-draft of conditions in Exhibit 96.

# Wastewater - Findings

## Proposed Project

46. The Project Sponsor proposes the connection of the single family dwellings on Great Camp Lots 27 and 28 and the 44 single family dwellings in the Lake Simond View Neighborhood to the Village of Tupper Lake Sewer District #23 through a new pump station and Sewer District #27. The Project Sponsor proposes to pay for the new pump station and its connection to Sewer District #23, and to install lines within the project site. The proposed location for the new pump station is immediately adjacent to the existing water treatment plant on Lake Simond Road as depicted on Sheet S-2 of Exhibit 83. The Project Sponsor is willing to locate the pump station further west on Lake Simond Road adjacent to the existing Rod & Gun Club on lands owned by the Town of Tupper Lake. Single family dwelling owners will be responsible for paying for their own service connection to the lines installed by the Project Sponsor.

# Wastewater - Findings

## Proposed Project (continued)

47. The Project Sponsor proposes to construct a community wastewater treatment plant and collection system to serve the remainder of the residential and amenity development on the project site, including Great Camp Lots 1-19. The wastewater treatment plant is proposed to be located to the northeast of the base area near Cranberry Pond. As currently proposed, the effluent from the plant will be discharged into mitigation wetlands that will be constructed west of Ski Tow Road and then flow into Cranberry Pond. The entire length of lines comprising the proposed collection system will be 1,910 linear feet of low pressure sewers served by grinder pumps with about 586 service connections. The Project Sponsor proposes to pay for the wastewater treatment plant and collection system, but single family dwelling owners will be responsible for the costs of their own service connection to sewer lines.
48. The community wastewater treatment plant and collection system is proposed to be owned and operated by a transportation corporation under Article 10 of the New York State Transportation Corporation Law.

# Wastewater - Findings

**Issue No. 4: Is it feasible to connect the proposed Sewer District #27 to Sewer District #23 via a pump station and associated components, taking into account design, location, impacts (such as noise, odors and visual, among others), costs (including long-term operation and maintenance costs) and any cost sharing arrangement between Applicant, the Town and Village, and whether all of the small eastern great camp lots (i.e., Lots No. 16-31, inclusive) should be included in Sewer District #27?**

- 139. The Project Sponsor proposes to connect the single family dwellings on Great Camp Lots 27 and 28 and the 44 single family dwellings in the Lake Simon View subdivision to the Village of Tupper Lake Sewer District #23 through the proposed Sewer District #27. The wastewater from this portion of the site would then be conveyed through existing infrastructure and treated at the Village of Tupper Lake publicly owned treatment works.
- 140. The Project Sponsor has taken into account design, location, impacts (such as noise, odors and visual, among others), and has included measures to provide noise and odor suppression in its design of the sewage pump station.
- 141. The boundaries of Sewer District #27 must be modified to only include the Lake Simon View subdivision and Great Camp Lots 27 and 28.

# Wastewater - Findings

## Issue No. 4: (continued)

142. The Project Sponsor will pay for the capital costs associated with the design and installation of the proposed pump station and collection system, which should be designed to include existing flows from Sewer District #23.
  
143. In order to provide benefits to the Town (and Village) of Tupper Lake and provide flexibility of Lake Simon View lot sales for the Project Sponsor, the sewage pump station must be installed by the Project Sponsor in Phase 1 of the project.

# Wastewater - Findings

## Issue No. 4: (continued)

144. The Project Sponsor should construct the sewage pump station in accordance with final construction plans approved by NYSDEC, NYSDOH, the Agency, Town and Village of Tupper Lake, and any conditions of the Town/Village Planning Board. No conveyance of any lot or construction of any structure proposed to be connected to the pump station should occur until the pump station has been constructed and is operational. The developer or landowners should be required to connect to the sewage pump station as part of the construction of the approved single family dwellings in the Lake Simond View neighborhood and on Great Camp Lots 27 and 28.
145. It is feasible, and desirable for the community, to connect the proposed Sewer District #27 to Sewer District #23 via a pump station and associated components. Compliance with the project as proposed and conditions 66-69 will adequately address the feasibility of installing the sewage pump station, adjoining and nearby land uses, adequacy of site facilities, reduce public vulnerability, and provide benefit to the community.



# Wastewater – Findings

222. The proposed community wastewater treatment plant will not have an adverse impact on the water resources nor present a public health hazard provided the necessary permits and approvals are obtained from NYSDEC and NYSDOH. In order to confirm that the plants have been designed as proposed and there are no undue adverse impacts to water resources, it is necessary to submit final wastewater treatment plans and reports to the Agency for review and approval.
223. Conditions to prevent associated water resource impacts and limit public vulnerability associated with the proposed community wastewater treatment plant are appropriate.

# Wastewater – Conditions

## Sewage Pump Station

66. The Project Sponsor shall construct the sewage pump station to be located on Lake Simond Road in accordance with plans approved by NYSDEC, NYSDOH, the Agency, Town and Village of Tupper Lake, and any conditions of the Town/Village Planning Board.
67. Unless authorized by a new or amended Agency permit, or letter of compliance, no conveyance of any lot, or construction of any structure proposed to be connected to the pump station shall be undertaken until the pump station has been constructed in Phase 1 of the project and is operational in compliance with the Permit.
68. The single family dwellings on Great Camp Lots 27 and 28 and the 44 single family dwellings in the Lake Simond View neighborhood shall connect to the municipal wastewater collection and treatment system for treatment of wastewater.
69. The design, permitting and installation costs associated with the sewage pump station required to connect Sewer District 27 to Sewer District 23 shall be paid by the Project Sponsor. The final design shall incorporate existing Sewer District 23 flows and include noise suppression and odor abatement measures.

# Wastewater – Conditions

## Community Wastewater Treatment Plant

70. The proposed community wastewater treatment plant shall not be constructed until a NYSDEC State Pollution Discharge Elimination System Permit is issued therefore pursuant to Environmental Conservation Law Article 17, Title 8, and Agency review and approval of any material changes from the Project plans has been obtained in the form of a new or amended Agency permit, or a letter of permit compliance. Construction shall be undertaken in accordance with plans approved by NYSDEC, NYSDOH, the Agency, Town of Tupper Lake, and any conditions of the Town/Village Planning Board.
  
71. Unless authorized by a new or amended Agency permit, or letter of compliance, no conveyance of any lot, or construction of any residential structure to be connected to the community wastewater treatment plant shall be undertaken until wastewater treatment is available to such lot or structure in compliance with the permit. All residential development proposed to be served by the plant shall connect to the plant for wastewater treatment.

# Wastewater – Conditions

## Individual Wastewater Treatment Systems

72. Individual on-site wastewater treatment systems (“IWTS”) on the Project site shall be constructed in compliance with location(s) and design(s) approved by the Agency. Prior to any conveyance of a lot to be served by an IWTS, Responsible Parties shall provide a legible reproduction of the Agency-approved IWTS plans to the prospective purchaser and shall notify such person of the permit requirement that the IWTS must be installed in accordance with the approved plans.
73. No lot proposed to be served by an IWTS shall be conveyed or constructed upon that does not have Agency-approved IWTS plans that comply with NYSDOH and Agency requirements.
74. The construction of each IWTS shall be under the supervision of an independent third-party licensed design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). Within 30 days of complete installation of the IWTS and prior to its utilization, the design professional shall provide the Agency with written certification that the IWTS was built in compliance with the approved plans.

# Wastewater – Conditions

## Phasing and Infrastructure

54. No residential development shall have wastewater treatment or water supply infrastructure except as authorized by the Permit.

# Wetlands

# Habitat/Wetlands

## Findings

204. There are approximately 243 acres of delineated wetlands on the project site. There are also emergent and submerged wetlands below the mean high water mark of Tupper Lake and Simond Pond that are adjacent to lands on the project site.
205. The proposed project has been designed to incorporate a 100-foot buffer between wetlands and most development. Erosion control measures proposed by the Project Sponsor will further limit indirect impacts on wetlands and the 100-foot buffer. For the wetlands impacts that have not been avoided, the Project Sponsor has minimized the impacts and provided mitigation. These design measures will satisfactorily protect habitat associated with wetlands and the 100-foot buffer surrounding wetlands throughout the project site. (see also Finding 119)
206. A comprehensive biological inventory of the project site was not conducted, so it is not possible to make specific findings concerning impacts to habitat from the proposed project or to identify the presence or location of areas on the project site that should be prioritized for protection.

# Habitat/Wetlands

## Findings

117. A comprehensive biological inventory of the project site was not conducted, so it is not possible to make specific findings concerning impacts to habitat from the proposed project or to identify the presence or location of specific areas on the project site that should be prioritized for protection. However, based on project design and through the imposition of conditions, adequate habitat protection can be assured on RM lands.
118. There is no indication of endangered or threatened species on the project site, and the deer wintering yard on RM lands is adequately protected based on the design of the proposed project.



# Habitat/Wetlands

## Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

### **Cranberry Pond**

(Findings 164- 166 will be covered later)

167. The impact, if any, of a temporary net loss of flow (and pond volume) into the Cranberry Pond hydrologic system resulting from snowmaking activities to fish, wildlife and other biota within Cranberry Pond and to the value and benefits of existing wetlands associated with the pond has not been determined
168. Tupper Lake represents a more reliable long-term source of water that minimizes impacts to wetlands, fish, wildlife and other biota and would ensure the long-term viability of the Ski Area.
169. Unless proven otherwise by data collected during and after the withdrawal of water for snowmaking, the use of Cranberry Pond for snowmaking should be temporary in nature and should include identifying and monitoring impacts to wetlands, fish, wildlife and other biota within Cranberry Pond and associated wetlands. Conditions to protect wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the area of the Cranberry Pond wetland complex are appropriate.

# Wetlands

## Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

### **Marina**

170. The redeveloped marina will have no additional wetland impacts than were experienced from the past traditional use of the marina. A condition requiring proper installation of the proposed buoy plan at the redeveloped marina is appropriate.

### **Base Lodge**

171. The Project Sponsor has proposed design adjustments that satisfactorily minimize wetland impacts at the base lodge and will provide mitigation for the impacts that could not be avoided.

# Wetlands Conditions

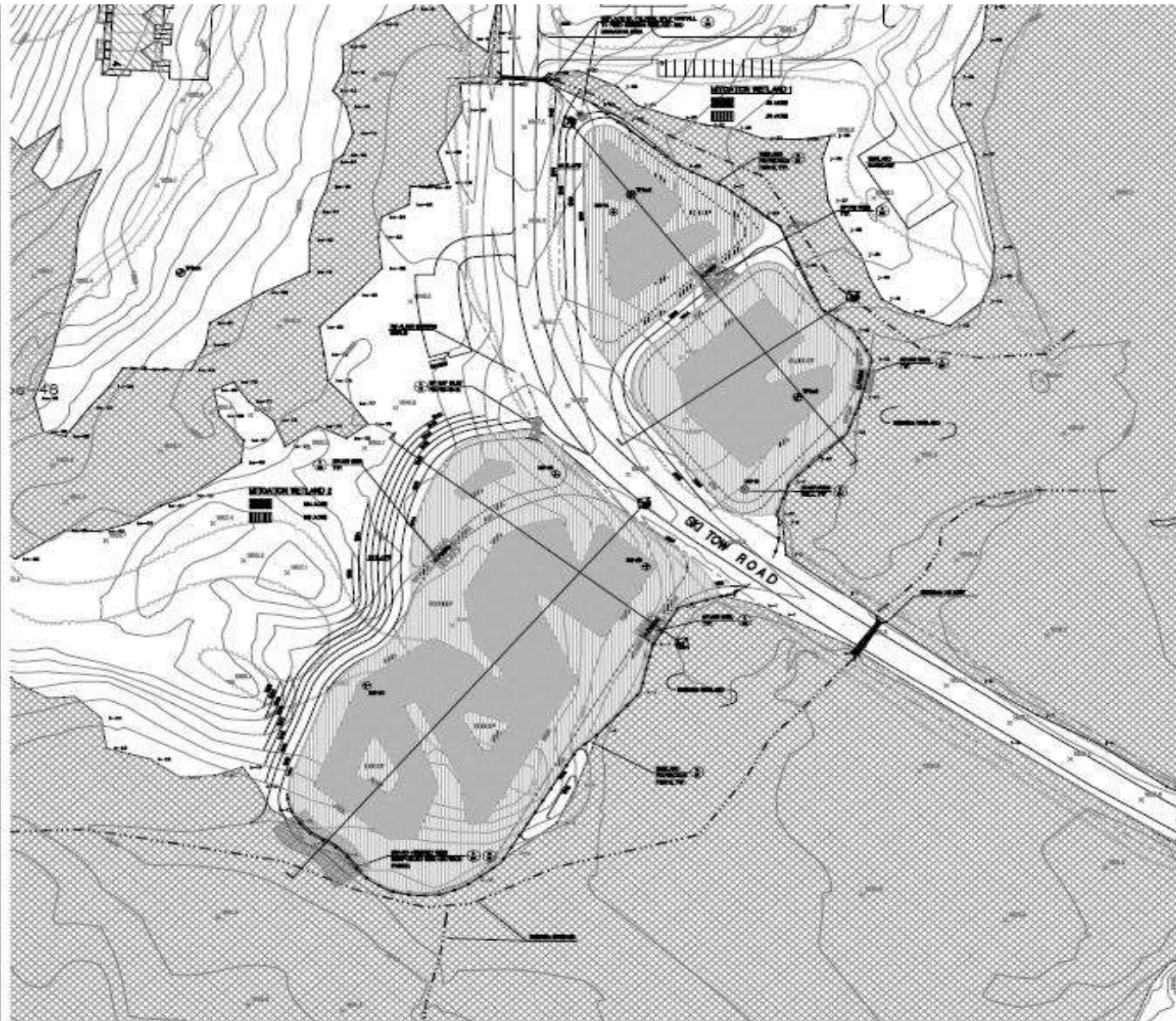
84. Beyond that authorized herein, there shall be no cutting of vegetation in wetlands. Further, no “regulated activity” as defined in 9 NYCRR Part 578 shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.
85. Prior to operating the redeveloped marina, signage shall be developed for and placed at the marina by the Responsible Party to alert boaters of the environmentally sensitive nature of the marina surroundings and directing boaters to proceed directly out of the marina to the buoyed boat channel that exists just beyond the ends of the proposed docks in order to avoid and minimize negative effects to wetland vegetation.

# Wetlands Conditions

## Wetland Mitigation

86. Responsible Parties shall undertake compensatory wetland mitigation in compliance with the approved plans found on sheets WI-1 and WM-1 and WM-2 of Exhibit 83. Construction of the mitigation wetlands shall commence within 60 days of the initial commencement of land-clearing or other construction activities impacting wetlands on the project site as identified on sheets WI-1 of Exhibit 83, notice of which to the Agency is required by Condition 9 of this permit. The compensatory mitigation wetlands shall be completed within 18 months of the mitigation wetlands construction commencement unless an extension of such date is authorized by a letter of permit compliance from the Agency.

# Wetland Mitigation



- SOIL WITH NORTHEAST UPLAND NATIVE WARM SEASON GRADES**  
 2.19E SLOPE AT RATE OF 1 POUND PER 2,000 SF  
 FERTILIZER IN NUMBER OF BAGS  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER
- VEGETATION**  
 PLACE 100% WOODY CUTTINGS OR TURF  
 CLUMP OF 10-12' X 12' X 12' (10' X 12' X 12')
- SOIL WITH WETLAND SANDY SOIL**  
 1.60E SLOPE AT RATE OF 1 LB PER 1,000 SF  
 FERTILIZER IN NUMBER OF BAGS  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER
- VEGETATION**  
 PLACE 100% WOODY CUTTINGS AND OR TURF  
 CLUMP OF 10-12' X 12' X 12' (10' X 12' X 12')
- SOIL WITH RUSSELLBURGH MUD**  
 3.00E SLOPE AT RATE OF 1 LB PER 1,000 SF  
 FERTILIZER IN NUMBER OF BAGS  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER  
 100% ORGANIC FERTILIZER
- NOTES**  
 1. WOOD BOTTOM TO BE IRREGULAR AND WOODS  
 2. PROVIDE 2' TRENCH OVER ALL CREEKS, FLOODPLAIN  
 3. PROVIDE MAINTENANCE TO ALL FERTILIZER PLOTS  
 4. PROVIDE CONTROLS AT TRENCHES ALONG WETLAND BOUNDARY
- SOIL Type 1 Light**  
 Deep soil test at 48" depth  
 0 to 4 inches, very dark gray to sandy loam  
 5 to 10 inches, yellowish brown gravel, the sandy loam  
 10 to 20 inches, reddish gray loam, gravelly sandy loam  
 20 to 40 inches, reddish gray, very fine, gravelly sandy loam with strong weeds  
 SOIL Type 2 Heavy sandy loam  
 Boundary condition @ 12 inches, red-brown layer, porous water table
- SOIL Type 3 Light**  
 Deep soil test at 48" depth  
 0 to 4 inches, dark brown to sandy loam  
 5 to 10 inches, gray to sandy loam  
 10 to 20 inches, dark brown to sandy loam (dark surface layer)  
 20 to 40 inches, yellowish brown gravelly sandy loam  
 40 to 60 inches, gray, very fine, very gravelly heavy sand  
 SOIL Type 4 Heavy sandy loam  
 Boundary condition @ 22 inches, red-brown layer
- SOIL Type 5 Light**  
 Deep soil test at 48" depth  
 0 to 4 inches, dark brown to sandy loam  
 5 to 10 inches, gray to sandy loam  
 10 to 20 inches, dark brown to sandy loam (dark surface layer)  
 20 to 40 inches, yellowish brown gravelly sandy loam  
 40 to 60 inches, gray, very fine, very gravelly heavy sand  
 SOIL Type 6 Heavy sandy loam  
 Boundary condition @ 22 inches, red-brown layer

Exhibit 83- WM-1

# Wetlands

## Conditions

### Wetland Mitigation (continued)

87. Responsible Parties shall monitor the compensatory wetland mitigation and shall submit a report to the Agency no later than 18 months after implementation of the approved compensatory mitigation plans. The report shall be prepared in compliance with the Agency's wetland mitigation guidelines and shall include at a minimum a narrative description and quantification of vegetation covertype and percent areal cover, plant species present and percent cover by species, evidence of seasonal wildlife use (direct observation, calls or sign), and hydrological data including above and below ground water levels. The report shall include permanent photographic points for illustration purposes.
88. After review of the monitoring report and a site investigation, if necessary, the Agency will determine whether the compensatory wetland mitigation is successful. If not, corrective action shall be undertaken by the Responsible Party as directed by the Agency until the wetland mitigation plan goals are met. After the initial report, the Responsible Party shall submit annual monitoring reports to the Agency for four years. The Agency may determine at any time that the compensatory wetland mitigation effort is successful and suspend the monitoring requirement. If additional monitoring is determined by the Agency to be necessary, it shall be submitted to the Agency as directed until the mitigation is deemed successful.

# Wetlands Conditions

## Temporary Use of Cranberry Pond For Snowmaking

100. Prior to any withdrawal of water from Cranberry Pond for snowmaking, the Project Sponsor or other Responsible Party shall prepare an Agency-approved wetland and wildlife functional and impact assessment plan for Cranberry Pond and its associated wetlands complex. Any Agency approval of the plan shall be in the form of a letter of permit compliance and shall establish the initial date upon which water withdrawals for snowmaking will be allowed. The authorized withdrawal of water from Cranberry Pond for snowmaking shall be limited to **five** consecutive years from such initial date unless otherwise approved by a new or amended Agency permit. **At any time after two consecutive years from such initial date, the Agency may require cessation of water withdrawal from Cranberry Pond, or impose limits on water withdrawal, if it determines that such withdrawal is substantially impairing wetland functions including but not limited to impacts related to wildlife.**

# Wetlands Conditions

## Temporary Use of Cranberry Pond For Snowmaking (continued)

101. The assessment shall include a multi-season inventory of wetland vegetation, fish, amphibians, furbearers and other biota in and within 200 feet of the Cranberry Pond and its associated wetland complex. It shall detail the proposed method for assessing the impact of water withdrawals for snowmaking on the pond and associated wetlands, wildlife, and other biota. It shall also include a description of the pumping system, and the method to be used to collect water usage and water fluctuation data during pumping and recovery.
  
102. On or before June 30 of each year following the initial withdrawal of water from Cranberry Pond for snowmaking purposes, the Project Sponsor or other Responsible Party shall submit to the Agency two copies of a detailed monitoring report based on the approved plan.



# PROTECTION OF AMPHIBIANS

# Protection of Amphibians

## Findings

120. The West Face Expansion neighborhood in Resource Management is proposed to be built almost entirely in an area comprising upland amphibian habitat, based on Exhibit 244. It is likely that portions of the development in this neighborhood will prevent amphibian migration patterns and that human/amphibian interactions will result in amphibian mortality. While some design features for the project, such as the lack of curbing, may mitigate these impacts, additional protection of this habitat is warranted.

# Protection of Amphibians

## Findings

121. An assessment of amphibian upland habitat that may result in non-material mitigation measures with respect to the West Face Expansion neighborhood is appropriate. Additional protective conditions for amphibian habitat are appropriate as well.
122. To the extent that wildlife habitat exists on the private lands shown on Drawing R-1 as Type I open space lands, that habitat will be protected so long as there is no further subdivision of those lands, and development is restricted to the designated 3-acre building envelope and one principal building. All development including septic absorption fields should be within the 3-acre envelope. Habitat on the Type 2 and Type 3 Resource Management lands designated as open space on Exhibit 83, Drawing R-1, will be protected as long as those lands are permanently restricted from development.

# Protection of Amphibians

## Findings

207. There is no indication of endangered or threatened species on the project site, and the deer wintering yard on the project site is adequately protected based on the design of the proposed project.
208. Some development is proposed in areas comprising upland amphibian habitat. It is likely that some of this development will prevent amphibian migration patterns and that human/amphibian interactions will result in amphibian mortality. While some design features for the project, such as the lack of curbing, may mitigate these impacts, given the lack of information in the record it is impossible to conclude that this habitat will be adequately protected.
209. The imposition of a condition requiring an assessment of amphibian upland habitat and that may require additional, non-material mitigation measures is appropriate. Additional conditions to protect amphibian habitat are appropriate as well.

# Protection of Amphibians

## Findings

### Habitat/Wetlands (continued)

208. Some development is proposed in areas comprising upland amphibian habitat. It is likely that some of this development will prevent amphibian migration patterns and that human/amphibian interactions will result in amphibian mortality. While some design features for the project, such as the lack of curbing, may mitigate these impacts, given the lack of information in the record it is impossible to conclude that this habitat will be adequately protected.

209. The imposition of a condition requiring an assessment of amphibian upland habitat and that may require additional, non-material mitigation measures is appropriate. Additional conditions to protect amphibian habitat are appropriate as well.

# Protection of Amphibians

## Conditions

89. Subject to prior Agency review and approval, the Project Sponsor shall conduct a biological survey and impact analysis for amphibians on the project site, **except for the lands shown as open space on Drawing R-1 of Exhibit 83**. The survey shall be limited to those areas within 800 feet of existing delineated wetlands as shown on Drawings W-1 and W-2 and any upland vernal pools identified in the survey. Based on the impact analysis, the Project Sponsor shall propose non-material adjustments to project component configuration prior to construction to further protect amphibian habitat or to provide design features to facilitate amphibian movements. If approvable, those changes will be authorized by a letter of permit compliance.
90. The biological survey shall occur not later than 2013 and shall include an amphibian survey in late April to early May.

...except for the lands shown as open space on Drawing R-1



  
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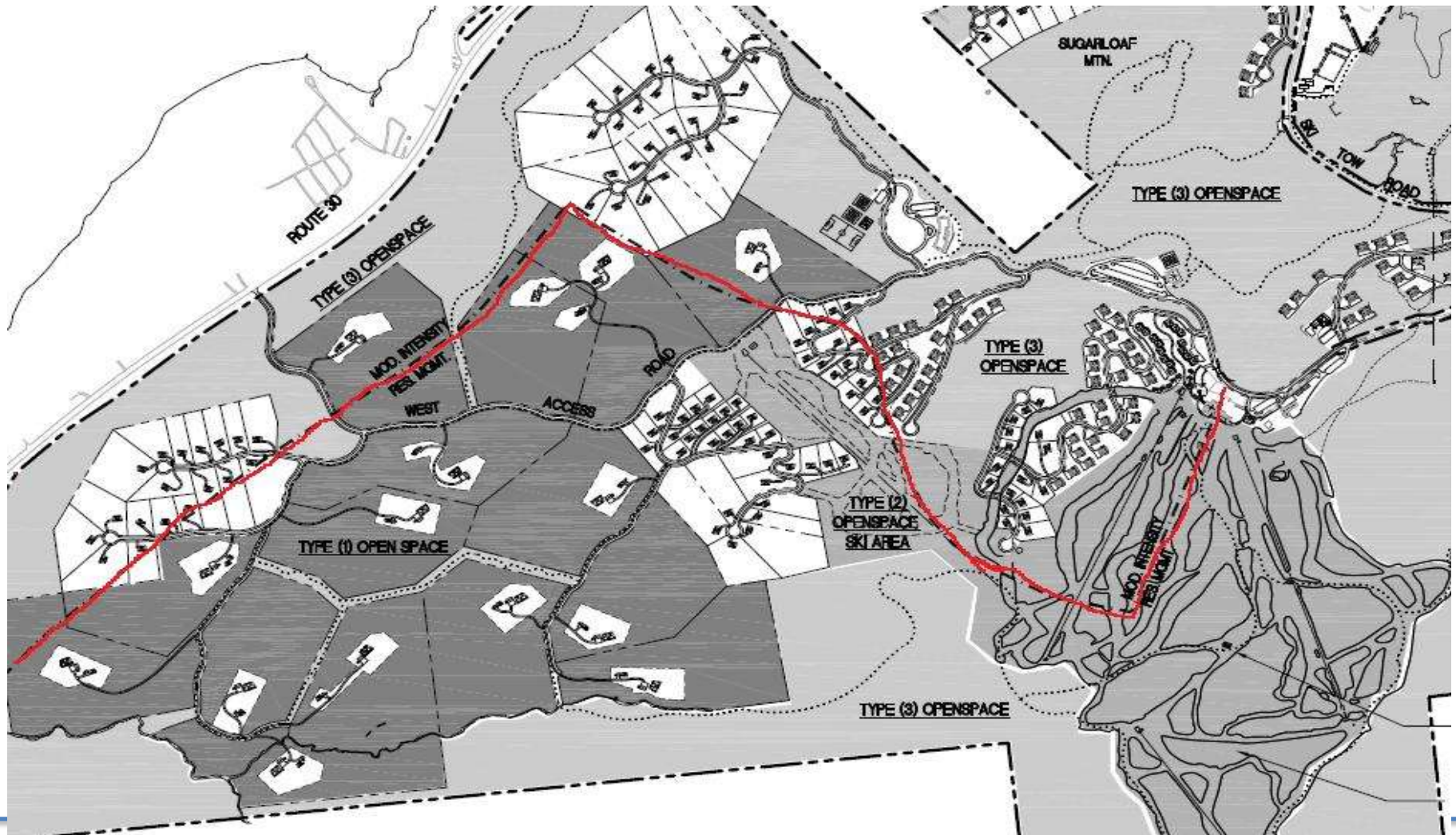
Project Name: THE ADIRONDACK CLUB AND RESORT  
Client: TAMMCO  
Date: 1/11  
Drawing: M001

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THE ADIRONDACK CLUB AND RESORT  
TUPPER LAKE, NY  
FRANKLIN COUNTY  
Recreation and Open Space Plan

  
The LA Group

# Protection of Amphibians







# Protection of Amphibians Conditions

91. All project site roads and parking lots shall be constructed without curbing to the maximum extent practicable and where curbing is necessary, it shall be constructed with a non-vertical face to facilitate amphibian movement.
92. In identified areas of amphibian migration, all culverts located under roadways separating delineated wetlands and adjacent upland habitat areas shall be oversized arch or box culverts used with low walls, logs, or drift fencing to direct amphibians toward the culverts to facilitate amphibian movements beneath the roadway. Culverts shall be located at about 20 foot intervals in high migration crossing locations.
93. Hydrodynamic stormwater separators shall not be used on the project site.

# Protection of Amphibians

## Conditions

94. Best management practices shall be used to control erosion and sediment to reduce impacts to wetland areas. Silt fencing with 20 foot breaks shall be used during migration periods to avoid disrupting amphibian movements. Alternatively, erosion control stone or manufactured berms shall be used instead of silt fencing. Disturbed areas shall be re-seeded and permanently stabilized immediately; permanent stabilization for re-vegetated areas means that each area maintains at least 85% vegetative cover. Silt fencing shall be removed as quickly as possible but no later than 21 days following final stabilization. Use of silt fencing within 750 feet of delineated wetlands containing vernal pools shall be minimized.
95. During the amphibian early spring breeding and late summer dispersal periods, silt fence barriers shall be installed around active construction areas in high migration areas to keep amphibians away from construction equipment, excavation and stockpiling. Ruts created by construction equipment and activities should be refilled and graded smooth to remove barriers to amphibian movements.

# **INVASIVE SPECIES CONTROL/SANITIZING EQUIPMENT**

# Invasive Species Control/Sanitizing

## Equipment

### Findings

**Issue No. 7: What are the impacts, alternatives and appropriate conditions on the use of Forest Preserve such as State facilities in Intensive Use areas [DC(c)(2)(a)]?**

160. The State boat launch is located on NYS Route 30 and is in a designated Intensive Use area identified in the Bog River Unit Management Plan completed in November 2002. The boat launch currently includes 27 spaces for trailered vehicles plus 10 spaces for cars without trailers (car-top boats), a two-lane concrete ramp with floating docks, a canoe/kayak launch area, and restrooms.
161. The Project Sponsor proposes to use the State boat launch for launching the boats of project owners and guests. Project employees would trailer the boat to the State boat launch, launch the boat and then drive it to the (proposed) nearby ACR marina. A shuttle would bring the owner/guest to the marina to board their boat. The boat trailer would be brought back to the project site. At the end of the day, the process would be reversed.

# Invasive Species Control/Sanitizing

## Equipment

### Findings

**Issue No. 7: What are the impacts, alternatives and appropriate conditions on the use of Forest Preserve such as State facilities in Intensive Use areas [DC(c)(2)(a)]? (continued)**

162. The State boat launch is administered by the Division of Operations within the NYSDEC out of the Region 5 office, and NYSDEC has not stated any concern with the use of the boat launch as proposed by the Project Sponsor. As members of the public, project owners and their guests are entitled to use the State boat launch and other public facilities.
  
163. The Project Sponsor has agreed to construct and operate a trailer and boat washing station on the project site and to wash boats prior to launching, in order to control the spread of aquatic invasive species into Tupper Lake.

# Invasive Species Control/Sanitizing

## Equipment Conditions

96. All equipment used for earth moving, grading or excavating on the Project site shall be washed with high pressure hoses and hot water, or other similar methods approved by the designated IEM, prior to being brought onto the site. If washed on the project site, equipment shall be washed in one location designated by the IEMs to prevent the distribution of propagules to different areas of the project site.
  
97. Within six months of issuance of this Permit, the Responsible Party shall develop a plan in consultation with the Adirondack Park Invasive Plant Program (APIPP) for control of invasive species during the construction phases of the project. The plan shall include best management practices (BMPs) for minimization and control of terrestrial and aquatic invasive species to be implemented by developers and contractors. The IEMs shall be responsible for assuring timely and effective implementation of the plan during construction.

# Invasive Species Control/Sanitizing

## Equipment

## Conditions

98. Within one year of creation of the ACR-HOA, the Responsible Party and the ACR-HOA shall develop a plan in consultation with APIPP to educate all owners, guests and maintenance and operational staff concerning the threat of invasive species and ways to minimize the introduction of invasive species to the Project site. The plan shall also provide for the monitoring and control of invasive species on the Project site, including providing invasive species informational signage and incorporating other measures to prevent the introduction and spread of aquatic invasive species, as appropriate, at the redeveloped marina.
  
99. No Responsible Parties shall launch boats from the Tupper Lake State Boat Launch unless the boats and trailers are effectively washed to remove any invasive species at a boat washing station operated by the Project Sponsor or other Responsible Party on the project site.



# Shoreline

# Shoreline Findings

## Shoreline Resources

210. Water features on and adjoining the site include Tupper Lake, Simond Pond, Raquette Pond, the Raquette River, Moody Pond, and Cranberry Pond. There are also seven classified streams on the site (Two Class "B", three Class "C(T)" and three Class "D"). These streams flow to Simon Pond, Tupper Lake and the Raquette River. The site encompasses both Moody Pond and Cranberry Pond and includes frontage on both Big Tupper Lake and Simond Pond. The site has about 2.5± miles of frontage on the Raquette River, a designated Recreational River.

# Shoreline Findings

## Shoreline Resources

211. Big Tupper is a Class A NYS surface water. The project site's shoreline on Big Tupper is located on the south side of the lake, between the lake and NYS Route 30, and includes a 1.5± acre parcel with approximately 975 feet shoreline, improved by the former McDonald's Marina and a 0.2 acre parcel with approximately 15 feet of shoreline. The project site's shoreline on Lake Simond is primarily in the south bay and eastern shoreline of the Lake, which are fairly undeveloped areas of shoreline.

# Shoreline Findings

## Shoreline Resources (continued)

212. The establishment of a new marina/private clubhouse facility is proposed on the developed (former McDonald's Marina) 1.5-acre MIU parcel on Tupper Lake. The nine existing buildings and docking system will be demolished and removed. A new 3-story building and 15-car parking lot are proposed to be constructed more than 50 feet from the mean high water mark of Tupper Lake.

# Shoreline Findings

## Shoreline Resources (continued)

213. The marina would include boats for rent. The proposed bottom floor of the new building will include storage and office space for the Orvis Company which will manage or operate a fly-fishing school and a retail shop offering outdoor gear and guided hunting and fishing tours. Sale of boating items will also take place on the lower floor. The proposed middle floor of the marina building will be at ground level on the Route 30 side of the building, and will house marina office space and retail sales of fishing and boating supplies. The proposed top floor of the marina building will include a private Clubroom and a storage area for the retail store. Rental boats and gasoline sales are proposed to be available to the public. The marina is proposed to generally operate 7 a.m. to 8 p.m., 7 days per week during the boating season.

# Shoreline Findings

## Shoreline Resources (continued)

214. A new dock master shed is proposed in the same location as the preexisting dock-master shed, which is within 50 feet of the mean high water mark. The new dock-master shed will be the point of contact for people using the marina docks and buying fuel or renting boats. Pursuant to Agency regulations § 575.5(b)(2), a lawfully existing structure which is located within the shoreline setback area cannot be expanded in any direction, unless an Agency variance is obtained.
215. With regard to the Great Camp Lots which include shoreline, all land use and development is proposed to be setback more than 100 feet from the mean high water mark. No removal of shoreline vegetation is proposed within 35 feet of the mean high water mark, and no docks, boathouses or other shoreline development is currently proposed. A condition requiring that Agency approval in the form of a new or amended permit prior to undertaking any activities within 100 feet of the shoreline will help to ensure that water resources are adequately protected.

# Shoreline Findings

## Shoreline Resources (continued)

216. With regard to the shoreline of the Raquette River no new land use or development is proposed within 150 feet of the mean high water mark and no removal of vegetation proposed within 100 feet of the mean high water mark.
217. Conditions to protect the character of the shoreline and the water quality of the lakes, ponds and river are appropriate.

# Shoreline Conditions

117. No docks or boathouses shall be constructed along the shoreline of the Project site without a new or amended Agency permit, or letter of permit compliance. Except as specifically authorized hereby, no structure shall be constructed Or other new land use or development undertaken within 100 feet of the shoreline of Tupper Lake, Lake Simond, Raquette Pond, Moody Pond, and Cranberry Pond without a new or amended permit, or letter of permit compliance.
118. Prior to undertaking the re-use of the marina, the Project Sponsor shall implement the buoy plan described in the application materials.



# Shoreline Conditions

119. Prior to undertaking the re-use of the marina, the Project Sponsor shall develop signage to be deployed at the marina and other educational materials to be handed out to marina users regarding invasive species prevention and control issues and techniques.
  
120. The existing dock master shed may be rebuilt to the same size in the same location as an in-kind replacement of the existing shed. The new structure shall not increase the existing lawful nonconformance with the shoreline restrictions consistent with 9 NYCRR § 575.5.

# Wild, Scenic and Recreational Rivers Special Provisions

# Wild, Scenic and Recreational Rivers Special Provisions Findings

## Project Site

1. The site of the proposed project (“project site”) includes 6,235± gross acres (including lands under water) and 6,158 net acres (does not include lands under water), located in the Town of Tupper Lake, Franklin County, on or near NYS Route 30, Ski Tow Road and Lake Simond Road. The total project site includes lands that are classified as Resource Management (4,805± gross acres/4739.5± net acres), Moderate Intensity (1,238± gross acres/1228.2± net acres), Low Intensity (180± gross acres) and Hamlet (11± gross acres) on the Adirondack Park Land Use and Development Plan Map. **The project site is partially within the "river area" of the Raquette River where the River is designated a Recreational River in the NYS Wild, Scenic and Recreational Rivers System.** The tax map numbers of the project site are: Section 501 Block 1 Parcels 8, 10, and 12; Section 510 Block 1 Parcels 36.2 & 80; Section 510 Block 4 Parcel 1; and Section 511 Block 5 Parcel 3; Section 500.73 Block 1 Parcel 1; and Section 500.80 Block 1 Parcel 2. The project site is depicted on Drawing MP-O of Exhibit 83.

# Wild, Scenic and Recreational Rivers Special Provisions **Findings**

## **Other Critical Resource Areas on RM Lands**

125. Other natural resources on Resource Management lands will be adequately protected by the proposed project because:

- No development is proposed in flood plains, at elevations of 2,500 feet or more (other than “Chair 1 Warming Hut”), or on severe slopes (greater than 25%);
- There are no unique features, including gorges, geologic formations, or waterfalls; with the exception on one small waterfall on Great Camp Lot F which has been avoided; and
- **The project complies with the shoreline restrictions applicable to the Raquette River, a designated recreational river. No land uses and development is proposed within the regulated river area.**

# Wild, Scenic and Recreational Rivers Special Provisions Findings

## Shoreline Resources

216. With regard to the shoreline of the Raquette River no new land use or development is proposed within 150 feet of the mean high water mark and no removal of vegetation proposed within 100 feet of the mean high water mark.
217. Conditions to protect the character of the shoreline and the water quality of the lakes, ponds and river are appropriate.

# Wild, Scenic and Recreational Rivers Special Provisions Conditions

121. No trees or other vegetation shall be harvested, cut, culled, removed, thinned or otherwise disturbed within the Raquette River recreational river area on the Project site except in compliance with 9 NYCRR Part 577 or pursuant to prior Agency review and approval.
  
122. No new structures shall be constructed within the Raquette River recreational river area on the Project site except in compliance with 9 NYCRR Part 577 or pursuant to prior Agency review and approval.

# Temporary Use of Cranberry Pond For Snowmaking

# Temporary Use of Cranberry Pond For Snowmaking Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

## ***Cranberry Pond***

164. The ability to make snow is a critical component of an economically-viable Ski Area. The Project Sponsor proposes to use Cranberry Pond as the source of water for snowmaking because the costs associated with using Tupper Lake would be significantly higher. These concerns are particularly relevant in the first phase of the project when funding sources may be limited and the project has not been fully undertaken.
165. The hydrologic analyses demonstrated that the volume of water in Cranberry Pond would be reduced from snowmaking operations when daily snowmaking pumping withdrawals exceeded natural daily inflows.



# Temporary Use of Cranberry Pond For Snowmaking Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

***Cranberry Pond*** (continued)

166. A beaver dam failure would reduce the pond area and volume of water available for storage and would also reduce the daily inflow available for snowmaking and recharging the pond. Failure of the beaver dam would have a significant impact on the project since minimal snowmaking could occur at the Ski Area. Due to natural fluctuation of the pond's water levels caused by the presence or absence of beaver activity and the relatively low daily inflow rates into the pond, Cranberry Pond is not a reliable long-term source of snowmaking water.

# Temporary Use of Cranberry Pond For Snowmaking Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

***Cranberry Pond*** (continued)

167. The impact, if any, of a temporary net loss of flow (and pond volume) into the Cranberry Pond hydrologic system resulting from snowmaking activities to fish, wildlife and other biota within Cranberry Pond and to the value and benefits of existing wetlands associated with the pond has not been determined.

# Temporary Use of Cranberry Pond For Snowmaking Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

***Cranberry Pond*** (continued)

168. Tupper Lake represents a more reliable long-term source of water that minimizes impacts to wetlands, fish, wildlife and other biota and would ensure the long-term viability of the Ski Area.

# Temporary Use of Cranberry Pond For Snowmaking Findings

**Issue No. 8: Are there alternatives to minimize interference with wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the areas of Cranberry Pond wetland complex, the marina, and the base lodge footprint?**

***Cranberry Pond*** (continued)

169. Unless proven otherwise by data collected during and after the withdrawal of water for snowmaking, the use of Cranberry Pond for snowmaking should be temporary in nature and should include identifying and monitoring impacts to wetlands, fish, wildlife and other biota within Cranberry Pond and associated wetlands. Conditions to protect wetland values and functions including ground water infiltration, wildlife habitat, stormwater control and other values, and the need for mitigation in the area of the Cranberry Pond wetland complex are appropriate.

# Temporary Use of Cranberry Pond For Snowmaking Conditions

100. Prior to any withdrawal of water from Cranberry Pond for snowmaking, the Project Sponsor or other Responsible Party shall prepare an Agency-approved wetland and wildlife functional and impact assessment plan for Cranberry Pond and its associated wetlands complex. Any Agency approval of the plan shall be in the form of a letter of permit compliance and shall establish the initial date upon which water withdrawals for snowmaking will be allowed. The authorized withdrawal of water from Cranberry Pond for snowmaking shall be limited to **five** consecutive years from such initial date unless otherwise approved by a new or amended Agency permit. **At any time after two consecutive years from such initial date, the Agency may require cessation of water withdrawal from Cranberry Pond, or impose limits on water withdrawal, if it determines that such withdrawal is substantially impairing wetland functions including but not limited to impacts related to wildlife.**

# Temporary Use of Cranberry Pond For Snowmaking Conditions

101. The assessment shall include a multi-season inventory of wetland vegetation, fish, amphibians, furbearers and other biota in and within 200 feet of the Cranberry Pond and its associated wetland complex. It shall detail the proposed method for assessing the impact of water withdrawals for snowmaking on the pond and associated wetlands, wildlife, and other biota. It shall also include a description of the pumping system, and the method to be used to collect water usage and water fluctuation data during pumping and recovery.
102. On or before June 30 of each year following the initial withdrawal of water from Cranberry Pond for snowmaking purposes, the Project Sponsor or other Responsible Party shall submit to the Agency two copies of a detailed monitoring report based on the approved plan.

# Ski Area

# Ski Area Findings

155. The continued public availability of the Big Tupper Ski Area has been identified as a significant objective of the local community in relation to the proposed project. This goal was particularly evident in the legislative comments provided in relation to the proposed project.
156. There is no guarantee that the Project Sponsor will renovate or continue to operate the Ski Area. The Project Sponsor has only promised to allow public access to the Ski Area for so long as it is in operation.



# Ski Area Findings

157. As proposed, the renovation and operation of the Ski Area by the Project Sponsor will only occur if the Project Sponsor believes that residential sales within the proposed project justify the investment in the Ski Area and related improvements. The Project Sponsor does not propose any significant improvement to the Ski Area until at least three years after the project is approved.
158. The renovation and continued operation of the Ski Area, and its availability to the public, would provide a significant benefit to the local community. The Ski Area it is an improvement identified by the Project Sponsor as central to the proposed resort project. Interim operation of the Ski Area until such time as the renovation is undertaken should comply with applicable regulatory requirements.

# Use of the Existing Base Lodge

# Use of the Existing Base Lodge

## Findings

### Ski Area

23. The Project Sponsor proposes to re-develop the pre-existing ski area on the project site. Existing conditions are depicted on Drawings EX-1 through EX-5 of Exhibit 83. Existing structures at the ski area include a ski lodge, garage, accessory buildings and pumphouse, and are depicted on Drawing EX-4 of Exhibit 83. The existing ski area has been operated pursuant to Agency Permit 2009-0224 since 2009 under a lease arrangement between the Project Sponsor and ARISE. While improvements have been made to the existing structures at the ski area under Permit 2009-0224, the general condition of the existing structures is poor and all existing structures, with the exception of the existing pumphouse depicted on Drawing EX-4 of Exhibit 83, are proposed to be removed or replaced by the Project Sponsor. The re-development of the ski area includes vegetative management on existing trails, creation of new trails and lifts to service residential development adjacent to trails and the public, and the replacement of existing chairlifts and most of the snowmaking equipment. The Project Sponsor further proposes to construct four ski bridges on an existing ski trail to take skiers over proposed roads that are part of the West Slopeside Neighborhood. The Project Sponsor proposes to use Cranberry Pond on the project site as the source of water for snowmaking.

# Use of the Existing Base Lodge Conditions

125. **The Project Sponsor or Big Tupper, LLC shall be responsible for ensuring that the existing base lodge and ski mountain is operating in compliance with all applicable NYSDOH, NYSDEC, Agency and Town of Tupper Lake requirements.** Any lease or operation of the existing base lodge and ski mountain by persons or parties other than the Project Sponsor or **Big Tupper, LLC** hereunder shall require prior Agency review and approval in the form of an amended permit **or letter of permit compliance.**