


**THIS PERMIT AMENDS PERMIT AND ORDER 2006-0123 TOWN, ISSUED ON JULY 2, 2008,
AND AMENDS AND SUPERCEDES PERMITS AND ORDERS 2007-0166 AND 2007-0166A
THIS IS A TWO-SIDED DOCUMENT**

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|  <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p> | <p align="center">APA Project Permit & Order 2017-0228</p> |
| <p>In the Matter of a Proposal by</p> <p>NYS OLYMPIC REGIONAL DEVELOPMENT AUTHORITY AND THE TOWN OF JOHNSBURG</p> <p>Subject to Section 809 and 814 of the Adirondack Park Agency Act</p> | <p>Date Issued: May 17, 2018</p> <p>To the County Clerk: This permit and order must be recorded on or before July 16, 2018. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"> NYS Olympic Regional Development Authority Town of Johnsburg |

INTRODUCTION AND JURISDICTION

On January 10, 2018, the Adirondack Park Agency received a Notice of Intent (NOI) to Undertake New Land Use and Development within the Adirondack Park from the Olympic Regional Development Authority (ORDA) to construct recreational facilities on private lands classified as Hamlet and Low Intensity on the Adirondack Park Land Use and Development Plan Map in the Town of Johnsburg, Warren County.

This Permit and Order amends Permit and Order 2006-0123 Town, issued on July 2, 2008; Permit and Order 2007-0166, issued November 1, 2007; and Permit and Order 2007-0166A, issued November 21, 2016. The project consists of new land use and development by a state agency on private land (Ski Bowl Park) and, therefore, requires review by the Adirondack Park Agency pursuant to § 814 of the Adirondack Park Agency Act, 9 NYCRR 579.1, and 9 NYCRR Section 4.150 (Executive Order 150). This Permit and Order also amends conditions 38, 40, 41, 46 and 52 of Permit and Order 2006-0123 Town.

Based upon receipt of the NOI and other materials related to the project and due deliberation on said materials, the following findings of fact are hereby made and adopted.

FINDINGS OF FACT

Background/Prior History

Agency Permit 2006-0123 Town, issued to the Town of Johnsburg (Town) and ORDA authorized the expansion/re-opening of the Town's North Creek Ski Bowl Park ski area. The ski area was completely restored on Town lands. Some of the lands were conveyed to the Town from FrontStreet Mountain Development.

ORDA undertook the construction of and owns the Ski Hut and lifts, and will manage and staff the Ski Bowl pursuant to a 20 year operating agreement between the Town and ORDA. The Ski Bowl Park trails operate on the same schedule as the Gore Mountain Ski Area; trails and lifts are open for skiing seven days a week from 8:30 am to 4:15 pm, with a season that is approximately 135 days long. The improvements authorized in Permit 2006-0123 Town are shown on a drawing entitled “L-1, Proposed Ski Improvements at the Johnsbury Town Park – Site Plan,” drawn by The LA Group, P.C., and dated February 26, 2007. The original, full-scale maps and plans referenced in Permit 2006-0123 Town are the official plans for that project.

Agency Permit and Order 2007-0166, issued on November 1, 2007, authorized the installation of lighting at Ski Bowl Park to illuminate Ski Lift 13 and the ski trails associated with Lift 13, the tubing hill, the related clearing of vegetation and the extension of the hours of operation until 9pm. The Agency amended Permit and Order 2007-0166 (P2007-0166A) on November 21, 2016 to allow additional lighting along existing trails and on existing light poles.

Updated Operating Agreement

The Town and ORDA entered a 20-year Operating Agreement dated December 16, 2017 that allows ORDA to utilize portions of the Town property for recreational uses in accordance with the Gore Mountain Ski Area Unit Management Plan, APA permits and the Operating Agreement.

Relationship to the Gore Mountain Ski Center Unit Management Plan

ORDA and the Department of Environmental Conservation (NYSDEC) have prepared a series of unit management plan (UMP) amendments for Gore Mountain Ski Center Intensive Use Area since the original UMP was adopted in 1987, the more recent of which are described in detail in the Findings and Order 2006-0123 issued in April, 2008. ORDA presented a Draft Amendment to the 2002 Gore Mountain UMP and Draft Generic Environmental Impact Statement (Draft Amendment/GEIS) to the Agency in January 2018, held a public hearing on the Draft Amendment/GEIS on January 24, 2018, and received public comments until February 9, 2018. ORDA, NYSDEC and the Agency have coordinated the review to address the potential impacts created by this project and the Draft Amendment/GEIS for the Gore Mountain Ski Center. ORDA then prepared a Proposed Final Amendment to the 2002 Gore Mountain UMP and a Final GEIS (Proposed Final Amendment/GEIS) with a written response to the public comments received. The Proposed Final Amendment/GEIS was presented to the Agency on March 8, 2018, and the Agency accepted public comments on the conformance of the Proposed Final Amendment/GEIS with the Adirondack Park State Land Master Plan until March 26, 2018. The construction of any ski lifts or trails approved herein that include activities on or connected to the Gore Mountain Intensive Use Area, including conversion of the Half and Half Glade trail and replacement of Ski Lift 12, aka the Hudson Chair or 46er, will not proceed unless and until the Agency has found that the Proposed Final UMP/GEIS conforms to the Adirondack Park State Land Master Plan and NYSDEC has approved the Final Amendment to the 2002 Gore Mountain UMP and Generic Environmental Impact Statement.

Project Site; Project Overview

1. The project site is a 203.68± acre portion of the Town of Johnsbury Ski Bowl Park and is located off NYS Route 28 in the Town of Johnsbury, Warren County on land classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map and State Land Map. The site is identified on Town of Johnsbury Tax Map Section 66, Block 1 as Parcel 14. The project site also includes the 3.85± acre parcel to be acquired by the Town pursuant to Permit 2017-0123, recorded in the Warren County Clerk's office on May 1, 2018 as Instrument 2018-2628, Book 5744, Page 194.
2. The purpose of the project is to enhance existing recreational opportunities at Ski Bowl Park by installing additional recreational facilities, including facilities that can be used outside the ski season. ORDA and the Town of Johnsbury anticipate that the proposed summer recreational uses will provide economic benefits to the community.
3. The project involves:
 - a. Extending and re-aligning Lift 13 (the Village Chair). Lift 13 is currently a short lift serving the Village Slopes including the terrain park and Boarder Cross area at the Ski Bowl Park. Lift 13 will be rotated to the north and extended by approximately 1,000 feet. The lift will be extended to an elevation that will provide appropriate access to the Boarder Cross starting gate on the Moxham Ski Trail. A new upper terminal will be constructed at the end of the new lift and the old terminal will be dismantled and removed.
 - b. Creating a short new Alpine Trail (12N) to connect the new top of Lift 13 with the existing Moxham Ski Trail. A short section of trail is proposed to connect the top terminal of the extended Lift 13 with existing ski trails. Trail 12N is approximately 100 feet long and 100 feet wide.
 - c. Installing new lighting at the top of Lift 13, Trail 12N and the Moxham Ski Trail between Trail 12N and the Village Slopes. The Village Slopes, including the lower portion of the Boarder Cross area, are currently lit when night skiing is provided at the Ski Bowl Park. The new lighting will light the area around the new Lift 13 top terminal, Trail 12N and that portion of the Moxham Ski Trail between 12N and the Village Slopes.
 - d. Converting the existing Half and Half Glade Trail to an alpine trail. This conversion will provide a better cross-connection between the existing Oak Ridge and Moxham trails. The section of the Half and Half Glade Trail located on state land in the Gore Mountain Ski Center Intensive Use Area is not authorized in this Permit and Order. That work is subject to the UMP amendment for the Gore Mountain Ski Center Intensive Use Area and any other approvals required by NYSDEC.

- e. Installation of a high ropes course. The proposed high ropes course will be accessed from the new upper terminal of Lift 13. The course will consist of elements constructed above the ground by affixing ropes, cable, and small platforms to existing trees. The ropes course will be laid out and constructed to minimize the removal of trees. Some understory vegetation will be removed and there may be some trimming of trees.
 - f. Construction of a non-linear zip coaster. The project plans include a start platform just above the proposed miniature golf course. From the platform, riders will be pulled up the hill to the start point, and from there will proceed downhill on curved and circular tracks. The towers for the zip coaster will range from 40 to 50 feet in height and the vegetative cutting limits will be approximately 25 feet wide along the route of the zip coaster.
 - g. Construction of a miniature golf course. A typical miniature golf course will be constructed just to the south of the lowest portion of Lift 12 (the Hudson Chair).
 - h. Construction of a summer tubing hill. The proposed tubing hill is estimated to have a footprint of approximately 22,500 sq. ft. The sliding surface consists of a high performance polymer composite material set over an impervious membrane. In addition to the sliding system, a tow or carpet conveyor lift will transport riders from the base to the top of the tubing hill.
 - i. Installation of additional lighting for parking, safety and security. All new exterior lighting is depicted on the Site Plan and project plans, and will use full cut-off fixtures at a maximum height of 24 feet.
 - j. The Town will acquire approximately 3.85 acres from FrontStreet Mountain Development, LLC to undertake the project, approved in Permit 2006-0123SB.
4. No wetlands will be impacted by the proposal.
 5. The project is depicted on seven sheets of plans titled "NYS ORDA Development at the Town of Johnsbury Ski Bowl Park" prepared by LA Group dated December 11, 2017 and last revised March 23, 2018. The sheets are as follows:
 - a. Cover sheet including location map, index, applicant, owners and preparer information;
 - b. Sheet C-1.0, Existing Conditions map;
 - c. Sheet C-2.0, Proposed Site Plan map;
 - d. Sheets C-3.0 and C-3.1, Erosion, Sediment Control and Stormwater Plans; and
 - e. Sheets C-4.0 and C-4.1, Detail Plans.

The Proposed Site Plan map ("Site Plan") shows the locations of the proposed facilities and the existing and proposed limits of clearing. A reduced-scale copy of the Site Plan, dated December 11, 2017, is attached to this Order for easy

reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

Stormwater Management

Stormwater Management for the site is described in a report titled "Stormwater Pollution Prevention Plan" prepared by LA Group, last revised March 21, 2018. The proposal requires a State Pollution Discharge Elimination System (SPDES) general permit for stormwater discharges for construction activities from the NYSDEC because it involves greater than 1 acre of land disturbance.

Water Resources

6. Water withdrawal from the Hudson River, North Creek Reservoir and the Main Lodge well for the recreational activities on the site are subject to NYSDEC Initial Water Withdrawal Permit # 5-5230-00017/00010, issued May 22, 2015, which expires May 21, 2025. APA Permit, Order and Variance 95-95 authorized the construction of the water withdrawal system and acknowledged the proposed water withdrawal from the three water sources described above. The permitted water withdrawals will serve both Ski Bowl Park and the Gore Mountain Intensive Use Area. Limiting the quantity of water removed from the Hudson River will ensure there will be no water quality or fishery resource impacts on the Hudson River.

Vegetation

7. Vegetation on the site is a mix of coniferous and deciduous vegetation. The limits of clearing for each component of this project are shown on the Site Plan and allows for vegetative cutting involving both coniferous and deciduous trees.

Soils

8. Soils series on the site are primarily of the sloping, Hinckley-Plainfield complex, sloping, the steep Bice, very bouldery fine sandy loam, and the steep Woodstock-Rock outcrop complex, soil series. These series are generally well-drained soils.

Slopes

9. Lower portions of the site are largely in the 0-10% slope range and some upper portions of the site have slopes of 40 to 60%. The Site Plan includes site topography.

Historic Sites or Structures

10. By letter dated December 4, 2017, the New York State Office of Parks, Recreation and Historic Preservation determined that the project will have no impact upon the cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

Public Notice

11. The Agency published a project notice in the Environmental Notice Bulletin and received no comments.

Wildlife Resources

13. The project site does not contain populations of rare or endangered animal species, nor does it contain unusual or important wildlife habitat.

Open Space/Aesthetics/Character of the Area

14. The development on the project site will be partially visible from some areas of the western edge of the Village of North Creek and from NYS Route 28 and surrounding areas. The area on the project site to be developed is located within an existing ski area, in a topographically low point in the landscape and is located in areas designated as Hamlet and Low Intensity on the APA Land Use and Development Plan Map.

Potential visual impacts created by the project were assessed in a report titled "Visual Impact Assessment; ORDA Development at Town of Johnsbury North Creek Ski Bowl," prepared by The LA Group, received by the Agency on December 20, 2017, and supplemented in a Response to a Notice of Incomplete Application dated March 23, 2018. The visual impact assessment includes a review of potential impacts associated with the proposed night-time lighting at Ski Bowl Park. Based on this visual impact assessment and Agency review of the proposal, as long as the development occurs as depicted and described on the plans and as conditioned herein, the proposed development will not have undue adverse visual impacts on the visual resources of the area or of the region.

HAVING GIVEN DUE CONSIDERATION to the Notice of Intent filed by the Olympic Regional Development Authority and other materials associated with the project application, and

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project would be consistent with the provisions of the Adirondack Land Use and Development Plan.

2. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project, provided the following conditions are met:
- a. The project shall not be undertaken until this permit has been recorded in the Warren County Clerk's Office.
 - b. All conditions in Permit and Order 2006-0123 Town remain in full force and effect except as amended herein or as previously amended and referenced herein.

Construction Location and Size

- c. This Order authorizes the construction of the recreational use facilities described herein in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, vegetative cutting or clearing limits or other aspect of the recreational use facilities shall require a new or amended permit or prior written Agency authorization.
- d. The construction of any ski lifts or trails approved herein that include activities on or connected to the Gore Mountain Intensive Use Area, including conversion of the Half and Half Glade trail and replacement of Ski Lift 12, aka the Hudson Chair or 46er, shall not proceed unless and until the Agency has found that the Proposed Final UMP/GEIS conforms to the Adirondack Park State Land Master Plan and NYSDEC has approved the Final Amendment to the 2002 Gore Mountain UMP and Generic Environmental Impact Statement.

Tree Cutting/Vegetation Removal

- d. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs, or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Hours of Operation

- e. The recreational uses authorized herein shall only occur between 8am and 10pm daily.

Building Color

- f. All exterior building materials, including roof, siding and trim, of buildings and accessory structures, including the Zip Coaster Boarding Area, Ski Lift terminals and towers, and any other structures shall be a dark shade of green, grey, or brown.

Outdoor Lighting

- g. All lighting associated with the recreational uses, parking and security on the project site shall comply with the Site Plan and Detail Plans and Permit and Order 2007-0166 as amended by Permit and Order 2007-0166A. Any change to this lighting shall require prior written Agency authorization.

Invasive Species Control/Sanitizing Equipment

- h. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

Stormwater

- i. All stormwater and erosion control devices described in the Stormwater Pollution Prevention Plan for Ski Bowl Park shall be installed and maintained as described in the Plans and pursuant to a NYSDEC SPDES permit for stormwater discharge related to construction activities.

Water Resources

- j. The project shall be undertaken in compliance with the NYSDEC Initial Water Withdrawal Permit # 5-5230-00017/00010, approved May 22, 2015 and APA Permit and Order 95-95.
- k. No land use or development will be undertaken on the 3.85± acre parcel to be conveyed from FrontStreet Mountain Development, LLC until the parcel has been conveyed to the Town, as approved in Permit 2006-0123SB.

NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is

ORDERED, that these findings be duly reported to the Olympic Regional Development Authority.

ORDER issued this day
of , 2018.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber, III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:TES:slp