

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

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Joe Martens
Commissioner

August 11, 2011

Tim Allred, Senior Project Manager
Hudson River Valley Resorts, LLC
PO Box 385
Rosendale, NY 12472

Re: Hudson River Valley Resort Project
DEC Application #: 3-5146-00063/00007
Town of Rosendale, Ulster County
DEIS COMMENTS

Dear Mr. Allred:

The Department of Environmental Conservation (DEC), as Lead Agency, has reviewed the Draft Environmental Impact Statement (EIS) prepared by Hudson River Valley Resorts LLC (HRVR), pursuant to the State Environmental Quality Review Act (SEQR), which as proposed includes the following components: 71 single family residences, 89 townhouses, a 130-unit lodging facility, a 17,000 square-foot spa facility, a 4,000 square-foot wellness center, a 4,100 square-foot fitness center, and an extensive trail network.

Set out below are issues and concerns that have been identified by staff for consideration in the preparation of the Final EIS. For the purpose of guiding the completion of the Final EIS, the Department intends to review these issues and concerns, along with the comments received during the public comment period, at a meeting to be held on August 25, 2011 with you and representatives of the Town of Rosendale.

The Department would like the project sponsor to give serious consideration to its choice of preferred alternative. Specifically, given the extremely high value of the resources at risk, particularly the bat hibernacula, the limited mitigation opportunities available to the project sponsor if these resources are impacted, and the record to date regarding these potential impacts and mitigation, the Department suggests that the "Conservation Resort Development"¹ alternative warrants strong consideration as the preferred project design in as much as it would avoid or minimize impacts to the significant resources identified below. In addition to being economically feasible, as suggested in the Draft EIS, the Conservation Resort Development" option would accomplish the following:

- remove most of the new disturbance from sensitive areas such as karst formations, freshwater wetlands, and bat hibernacula.
- eliminate the overwhelming majority of the rock removal (>90%) with the remaining rock removal generally at a considerable distance from the hibernacula, thus substantially avoiding potential adverse impacts.
- reduce on-going maintenance costs due to smaller-scale water and sewer systems
- eliminate impacts to historic and prehistoric Loci 2, 11, and 12

The staff issues identified below focus on the current project design and indicate the need for greater analysis regarding impacts to these resources. If the project sponsor wishes to pursue the current preferred option rather than the "Conservation Resort Development, then these issues will need to be addressed prior to the Department's acceptance of the Final EIS.

¹ The DEIS lists four alternatives: "No Action" alternative; Resort Rehabilitation (restoration or improvement of existing facilities); Conceptual Subdivision (residential subdivision in accordance with existing zoning); and a Conservation Resort Alternative (redevelopment of the property as a resort and/or residential community primarily within the existing disturbed area footprint).

Hydro-geologic

1. The Draft EIS asserts that “features typical of a karst type terrain (natural caves, sink holes) are not present”. However DEC staff observations in the field with Paul Heisig (US Geological Survey) found evidence of karstic features east and south of 4th Lake. Mr. Heisig has recommended that rock removal, currently proposed in this area for the construction of roads associated with Units 82-94, should not be attempted in this area because of the potential issues of structural stability and unpredictability associated with these formations.
2. Appendix J.1 “Hydrogeologic Investigation”, Section 6.0, Karst Characteristics asserts that the mine workings are located in material of low hydraulic conductivity and that little or no hydraulic connection, including solution channels, exists between the mine workings and the rest of the property. However, these facts do not prove the absence of karst features on the property, only that solution channels and other modes of hydraulic connection do not extend from the mine workings to the rest of the property. The extent of the karstic features identified in the field must be established and the potential impacts of construction on that area analyzed. This must include structural stability of homes/roads/etc and potential hydraulic changes (particularly with regard to the highly variable 4th Lake).

Bat Hibernacula

3. Table III.A.8 and the Section III.G hibernacula impact discussion only utilize distance to mine openings and not the distance to the nearest underground feature. Without the vertical and lateral extent of the mines taken into consideration, the area of impact cannot be established or analyzed. If development within the area of historic mining is proposed, then the full extent of the mines in these areas must be established to allow the analysis of impacts.
4. The discussion on impacts to hibernacula focuses on avoiding work during the hibernation season and fails to consider impacts to the structure (humidity, temperature, air flow, etc) which can occur during the summer months. The consideration of indirect impacts of summer work to hibernacula must be considered beyond avoidance of direct impact to hibernating bats.
5. Section I (pg 29 Paragraph 4) states that “rock removal will be designed to ensure vibratory impacts are below defined, safe thresholds for bat hibernacula”. These thresholds must be clearly defined and justification provided that thresholds established for human structures are applicable to the hibernacula. The Section III.A (pg184) discussion of mine stability and vibratory impact fails to establish whether structural standards on vibration are applicable to mines. In addition this discussion of vibrations appears to have considered only rock removal without consideration of grading and other construction activities. The consideration of potential impacts of all aspects of construction on the stability of the hibernacula is necessary.
6. Section III.A. (pg 179): Subsection III.A.2.i discusses mine stability. It states that not every mine opening was inspected; there are over 100 on the property. No report or memo is provided regarding these inspections. The structural stability of the mines in proximity to the development must be established and the potential impacts of development analyzed.
7. The Draft EIS makes numerous references to the Hanson Aggregates mine at Jamesville (Town of Dewitt, Onondaga County) regarding vibratory impacts on hibernacula. However there are inconsistencies and lack of rigor in comparing the two sites:
 - a. Section III.A (pg185) The Draft EIS states that the project sponsor proposes to meet the same thresholds that are required for the quarry blasting at Hanson Aggregates. However the discussion fails to acknowledge that Hanson Aggregates is prohibited from rock removal within 500 feet of bat hibernacula while the project sponsor proposes significant removal within 500 feet of hibernacula.
 - b. No comparison is provided between the two hibernacula with regard to the structure and composition, i.e. lithology, depth thickness, roof stability, etc. Unless it can be established that the two sites share similar features, the response of the Jamesville hibernacula to vibratory impacts cannot be used to predict potential impacts in the Williams Lake area.
8. The impacts and feasibility of any potential filling of mine shafts must be established, including access to

areas for heavy equipment (clearing, soil compaction, etc). The discussion should specify that only old mines with no potential as to bat roosts or hibernacula, summer or winter habitat, and those not connected to such mines, would be considered.

9. Section III.G (pg 344) Figure III.G.4 has a depiction of the mine/artificial cave community on the property. Please provide the source of this information; it appears to be the only overlay of the development in relation to the extent of underground mines.
10. Section III.G (pg 379): The impact discussion states that the new development “will be no closer to known Indiana bat hibernacula than the former Williams Lake Hotel development and activities (+/- 50 feet from a proposed trail and proposed roads)”. (This reference to 50 feet being closest disturbance is repeated several times in the document)
 - a. This is inconsistent with the Confidential Report Table 3 which states disturbance proposed within 10 feet of one opening.
 - b. Even if distances from the mine openings are the same, the extent of new areas of disturbance may be significant. There will be an increase in area under development and a decrease in habitat for bats where new development is planned. This must be fully identified and considered in terms of potential impacts.
11. Section III.G (pg 395): Table III.G.14, “Areas and Percentages of Disturbance in Proximity of Indiana Bat Hibernacula” provides some analysis of the disturbance as a percent of total area, however it fails to address all impacts:
 - a. The table only considers 4 mine openings, whereas there are at least 17 openings that have been identified by DEC staff as hibernacula openings.
 - b. The table shows 0% impact within 100 feet of these 4 openings, however the Confidential Report Table 3 shows at least 4 openings with impacts 10-100 feet from the openings

Bat Roosting and Foraging

12. Section III.G (pg 334): Table III.G.3 states that eastern small-footed bats are only assumed to use the site during the winter and fall, however this is contrary both to the accepted protocol (Appendix M.6) and the discussion on pages 368-369. Please clarify this inconsistency. The discussion of potential impacts to these bats states that the project will not impact potential summer roost areas in “daylight-exposed rock outcrop or talus slope”. Potential roosts in kiln walls and other historic structures are not considered. All potential habitat must be analyzed.
13. The spring emergence and dispersal radio-telemetry studies are referenced numerous times in the Draft EIS related to the significance of potential impacts on foraging and roosting habitat. The number of bats tagged as a percentage of the total population must be added to all discussions regarding this study to reflect the potential limitations of this data.
14. Section III.G (pg350): The assessment of impacts states that 28.88 acres of hardwoods (18% of the total available hardwoods) with the greatest impacts occurring within the vicinity of the baitfish ponds and therefore within the vicinity of the old mines. Consideration of the impacts of removing habitat in such close proximity must be included.
15. Section III.G (pg 372): The discussion of potential impacts from White-Nose Syndrome does not include consideration of the greater need for suitable foraging habitat areas around the caves during spring emergence. The effect of further impact to the species through the removal of foraging at this critical time must be considered, as well as the impacts of loss of foraging habitat during fall swarming.
16. There is no discussion of the potential impacts on nearby hibernacula or roosting/foraging habitat from the proposed amphitheater.
 - a. The project plans in Appendix K.1 do not show the location of this proposed structure.
 - b. The brief discussion of the structure in Section II fails to identify the size or frequency of proposed events. This information is necessary to determine potential noise impacts on roosting and foraging bats. Depending on the type and intensity, vibratory impacts may be an issue as well.
 - c. Although no lighting is shown in this area on the “Preliminary Lighting Plan” (Appendix K.21), please clarify whether any night events or use of portable lighting in this area is anticipated.

Wetlands and Waterbodies

17. The Draft EIS fails to provide a DEC-validated wetland boundary for RD-2. Please note the correct label for all references and plans is 100-foot "adjacent area", not "buffer". Based on the DEC's validated boundary, additional disturbances to the wetland and adjacent area is proposed for the Point Comfort dock, the associated boat house, Townhouse building 7, the access road for buildings 5&6, and the associated grading and water line.
18. Although there is general discussion of wetland and waterbody impacts, there is no table in the Draft EIS listing each wetland ID, potential impacts to that wetland, and proposed mitigation for these impacts. Appendix M.11 provides this information to some extent, but there is no specific discussion of these impacts in the main document.
19. There is no discussion of mitigation for any of the impacts to wetlands or waterbodies beyond the assertion that the lake excavation will compensate. Section III.G.3.c states that the summary of mitigation is provided in Appendix M.11. However there is no discussion of mitigation in that appendix. For each wetland disturbance, a comparison is needed of the relative values of the lost wetland and lakeshore wetland proposed as mitigation.
20. The project proposes the filling in of a 400-square-foot eutrophic pond, wetland HRVR-13. The Draft EIS states that this pond will be filled in for establishment of a stormwater basin but does not state why a basin cannot be located in another area. Consideration of an alternate location is needed along with a comparison of the relative values of this eutrophic pond and lakeshore wetland proposed as mitigation. This discussion must include the consideration of impacts to the invertebrates in the pool and indirectly to species that prey upon invertebrates. This includes bats which feed on the adult forms of aquatic invertebrates. The impact analysis must include consideration of the location of the mitigation within the resort complex as opposed to the woodland setting of HRVR-13.
21. **Impacts associated with the Lagoon**
 - a. The Draft EIS asserts that the Lagoon will be planted with native plants, will create habitat, and will provide certain wetland functions. But there is no discussion of long-term maintenance, including the consideration of potential invasive species infestation.
 - b. The lagoon will be separated from the main body of Williams Lake by a weir and culvert. There is no discussion of the amount or quality of water which will enter the Lake from the lagoon.
22. Page 221-222 asserts no net loss of flow into wetland RD-2 because the water supply will pull from Williams Lake and the sewer system will discharge to the Lake outlet. This is no longer the proposed action, the currently proposed discharge location is downstream of both wetland RD-2 and RD-4. The potential loss of flow into these wetlands must be addressed.
23. The impact discussion for woodland ponds and vernal pools includes only direct impacts (fill and excavation) with little consideration of indirect impacts (stormwater runoff, loss of buffering vegetation, elimination of migratory corridors and upland habitat, etc) and the lack of the identification of these wetlands on the project plans (Appendix K.1) makes analysis difficult.
24. Section III.G.2.f, Wetland and NYSDEC regulated adjacent area disturbance: this section fails to identify or discuss the following impacts to DEC wetlands:
 - a. Impacts to RD-2 near "Road 2" on the west side of Binnewater Rd. In this location there are houses planned in very close proximity to the adjacent area of RD-2 such that it is unlikely the houses could be constructed without disturbance to the adjacent area.
 - b. A number of these houses appear to be located such that the future homeowner will not have reasonable use of the land around their home without applying for a freshwater wetland permit from the NYS DEC. The lack of proposed lot lines makes it impossible to determine what future impacts may be.
25. There is no discussion of the potential impacts on wetlands or waterbodies from the following:
 - a. The proposed docks on Williams Lake and 4th Lake. No discussion is made of the potential use of motorized vessels on either lake.
 - b. The proposed stormwater basin south of 4th Lake. The only potential impacts discussed are aesthetic.

26. "Flooded mine adits" HRVR-06, HRVR-07, and HRVR-08 are all described as having habitat value for wildlife and possible migration points for amphibians, but were not considered in the evaluation of impacts and do not appear on the plans in Appendix K.1 or the Figure III.G.7 (overlay of disturbance areas and vernal/woodland pools). Disturbances to these waterbodies must be depicted and an analysis provided of the impacts.
27. Pursuant to the Conservation Easement, filed February 16, 1999 and granted to Rondout-Esopus Land Conservancy, Inc., docks of no more than 125 square feet in size are permitted within the easement area. As all of Fourth Lake is in the easement, the proposed 390-square foot dock at that location is not legally permitted. Please note that a floating dock in this location of less than 200 square feet will not require a permit pursuant to 6 NYCRR Part 608, Protection of Waters.

Water Supply

28. Table III.D.1, Proposed Water Demand, lists each program element for the project with corresponding demand shown in two columns. This table lists values that already have 20% reduction included. For clarity, the table should show the basic standard rate, then show application of the 20% reduced rate, and then any additional reductions proposed. It also appears that two items are missing from the table – the Interpretive Center and the Water Treatment Plant Backwash. The Draft EIS states that irrigation will not be allowed. Irrigation demands are included within the projected demand for each individual element. Thus no further reductions in total demand can be applied for irrigation reductions in a project of this type.
29. Full analysis of the sufficiency of Williams Lake is required utilizing the correct demand rates and considering both average and maximum demand.
 - a. The Water Demand presented in the Draft EIS is unacceptable as it is inconsistent with state regulatory Design Standards and is inconsistently applied throughout the document. The projected average water demand is given as 82,683 gallons per day (gpd) on page 244. This number is based on Design Standards minus the 20% reduction with additional proposed reductions. The NYSDEC acceptable demand is based on a range of demand typical for various program elements. That amount is 104,035 gpd. Although the Draft mentions that 104,035 gpd will be the permitted amount, the discussion of the sufficiency of the source (Williams Lake) uses the lower project number.
 - b. On page 256, in the discussion of sufficiency of Williams Lake in drought conditions, the Draft EIS refers to the maximum demand rate as an estimated 57 gpm (gallons per minute). The document establishes that, based on the incorrect demand amount of 82,683, that 57 gpm is the average daily demand, not the maximum. With the correct demand numbers, the pumping rate will be 72 gpm average and 144 gpm maximum.
 - c. Updated capacity numbers, based on the 2011 bathymetry survey, must be provided.
30. The DEIS states that the yoga/meditation studio and tea house will have no water or sewer infrastructure. Please discuss the long-term feasibility of these structures without utilities.

Construction Impacts – Noise, Vibration, etc

31. While the seismic assessment contains a discussion on the vibratory impacts of blasting, rock hammering etc, it does not take into account the duration of the vibratory impacts associated with rock hammering, crushing, compactors, and vibratory rollers. It also does not take into account vibratory/noise impacts of drilling. The DEIS states that all of these methods with the exception of blasting are "preferred". In order to properly assess the impact of all of these, a table should be provided indicating the different types of removal (rock hammering, sawing, ripping, blasting) with columns for estimated duration, distance to receptor, projected PPV (Peak Particle Velocity) and the Db (Decibel) associated. Duration should be broken down into hours per day and total days.
32. Because of the lack of accurate scale and the lack of inclusion of the area of development on many figures, it is not possible to analyze Figure III.A.11 which shows the location of areas of historic subsidence in what appears to be close proximity to the proposed units, 83-88. This area of subsidence also appears to extend beyond the mapped 'quarry' area shown on that figure. In addition, the discussion of subsidence is based on experience in former coal mines which is not comparable because limestone is more prone to

chemical and physical weathering. The potential for subsidence during construction and the stability of these units and related infrastructure must be established. Page 144 discusses areas of recent movement and areas of subsidence. Please clarify the locations of these changes in structure and documentation of the changes.

33. Section III.A (pg 185): The Draft EIS cites a study by the West Virginia Department of Environmental Protection regarding peak particle velocity impacts on deep mine roofs. Earlier it is stated (pg 145) that the mines have a maximum vertical depth of 30 yards. As these mines do not appear to be "deep mines", the use of this study to assert that there will not be vibratory impacts on the Williams Lake mines does not appear warranted. If this is to be substantiated, the project sponsor must provide additional information as to whether or not the locations used in the study are comparable. Please note that a full citation for the study is missing.
34. Figure III.A.14 shows areas of cut and fill but fails to differentiate between the two. The boundaries of the numbered areas are not clear and disparate areas are lumped together (i.e. all stormwater features site-wide). The alternate location for the treatment plant is shown, but calculations are not; the preferred location does not appear to have been included.
35. The Draft EIS cites that the noise assessment was done in accordance with NYSDEC Program Policy DEP-00-1, "Assessing and Mitigating Noise Impacts". However it does not appear that this policy was followed in the methodology. The assessment fails to:
 - a. Provide ambient noise readings at appropriate areas of the site. These must be current, measured readings, not estimates based on historic use.
 - b. For each phase, calculate the dB from all of the equipment operating simultaneously (i.e. worst case scenario)
 - c. For each phase, calculate the change in dB to the nearest receptors from ambient.
36. When discussing blasting impacts, the corresponding frequency (in hertz) must be considered in addition to the Peak Particle Velocity (PPV). The PPV is proposed to be limited to 0.5-4.0 in "Wildlife Sensitive Areas", but frequency must also be established and limited. Refer to the attached blasting chart, compliance with which is now a requirement of all DEC Mined Land Reclamation Permits. Please also refer to item 3 regarding the lack of information on the vertical and lateral extent of the mines.
37. If rock removal within the karstic area is pursued, the project sponsor will need to address specific issues with removal this area:
 - a. Consideration should be made of the use of a down-hole camera to observe the weathered zone so the blast can "stem" through it.
 - b. The potential for voids to occur must be addressed along with the resultant potential for over-blasting.
38. Given that several of the phases are 6+ years in length, the consideration of the impacts as 'temporary' may not be appropriate. The length of each potential impact must be established and given consideration in the review for each receptor.

Visual Assessment & Cultural Resources

39. Pursuant to DEC Policy DEP-00-2, all Significant National and State Aesthetic Resources should be inventoried and a determination made as to whether the site is visible from them and, if so, if there is a significant impact. Visibility must be field-checked and verified by photography. The following resources within 5 miles of the site are absent from the inventory of aesthetic resources:
 - a. Snyder Estate Natural Cement Historic District
 - b. All Saints' Chapel
 - c. Lake Mohonk Mountain House Complex
 - d. Rest Plaus Historic District
 - e. High Falls Historic District and Lock Tender's Canal House & Canal Store Ruin
 - f. Stone Ridge Main Street Historic District
 - g. Bevier Stone House
 - h. Blue Stone Wild Forest
 - i. Walter Williams Preserve

- j. Marbletown O&W Rail Trail
 - k. Perrine's Bridge
 - l. DuBois-Deyo House
 - m. Wyncoop, Cornelius, Stone House
 - n. Hurley Historic District
 - o. Joppenburg Mountain - the discussion focuses solely on the future Rail Trail, however the entire mountain is identified by the Town of Rosendale in their Comprehensive Plan as being a significant resource. Consideration of visual impacts from the summit must be included.
40. All inventoried resources and the location of the project boundary must be identified on the viewshed maps. The boundary should be the proposed project area, not the entire set of parcels (i.e. the conservation easement area).
41. Figure III.J.2 does not show the location of the 5-mile radius.
42. Provide justification for the boundaries of the "Local Viewshed Map", Figure III.J.3. Section III.J states that the viewshed is limited by "location and orientation in the regional landscape" but fails to provide any details on how these limitations were delineated. The methodology for delineating the viewshed must be presented.
43. Figure III.J.2 shows numerous areas within the 5-mile radius from which the site may be visible. Although the figure has poor resolution and clarity, it appears that this includes portions of NYS Bluestone Wild Forest including the trails accessed via Jockey Hill Road. The site may also be visible from portions of the Marbletown O&W Rail Trail. It must be demonstrated for all resources with site-visibility that no significant impact will occur. Simulations are typically used for this purpose. This analysis must include consideration of the relative orientation, placement within the landscape, and the significance of the view to the resource.
44. Figures III.J.4 and III.J.5 have stated scales for the various Profiles and Blowups, however it appears that the vertical scale is approximately half that of the listed scale (i.e. 1" = 400 ft not 200). None of these figures appear to include the heights of the proposed buildings, in particular the hotel, spa, and wellness center. Although a proposed height has not been offered, the DEIS asserts that the hotel is proposed to have 5 stories, with other buildings stated as 2-3 stories. Therefore it is assumed the hotel will be at least 60-100 feet in height. Based on the figures shown, it appears that the resort may be visible from some of the vantage points. Analysis of the potential visual impact must include consideration of the height of buildings.
45. The discussion of light pollution fails to establish the existing conditions on the site or offer comparison with the proposed conditions. The discussion only focuses on exterior lighting and fails to discuss the effect of interior light escaping buildings, particularly large windows proposed in the spa and hotel as shown in the artist rendition.
46. The Draft EIS states that only Loci 3, 4, 6, 7, and 12 will be impacted and these are the only loci included in the Confidential Constriction Impacts Report. However the report only shows location of the loci relative to rock removal, not total area of disturbance. Comparison of the Phase 1A/B resource maps and the Appendix K.1 plans indicate impacts to Locus 5 from Rail Trail construction and to Locus 11 from stormwater basin construction. The plans also suggest impacts from the first alternative sewage treatment plant site to Loci 1 and 8. A confidential overlay of all areas of disturbance with all identified loci is required.

Wastewater & Sewage Treatment Plant

47. The Draft EIS contains only unsupported generalization on noise and odor impacts of the preferred location of the sewage treatment plant. A noise impact study for all potential receptors (existing and proposed for this project) must be developed in accordance with NYSDEC Program Policy DEP-00-1, "Assessing and Mitigating Noise Impacts". A report on noise impacts of operation must be separate from the report on construction noise. A discussion of potential odor impacts must consider the potential system designs, the location of receptors, and the distance to receptors.
48. Projected sewage flows must be presented consistently and in concordance with the State Pollutant

Discharge Elimination System permit application and the Ulster County Department of Health flow confirmation.

49. Consideration of the former railroad bed to gain access to the wastewater discharge stream should be considered.

Solid and Hazardous Waste

50. Section III.F (pg 312) states that “NYSDEC is aware of the presence of these dump sites and each dump site will be closed pursuant to regulatory standards” and, with regard to Dump Site 4, that “no development is planned at this location, the dump site will be left in place”.
 - a. The statement is misleading because no agreement has been reached with DEC regarding what the closure requirements will be and no commitment has been made to close the dump sites in accordance with a plan approved by the Department.
 - b. These statements do not address the regulatory or environmental issues raised by the dump sites. Whether or not the dump sites are subject to regulation depends on when they ceased operation and no information is provided to establish when the dumps last operated. In order to demonstrate compliance with applicable regulations, the project sponsor must either provide documentation showing that the dump sites predate State regulations or are in compliance with the regulations in effect at the time that they last operated. If such documentation cannot be provided, there must be a plan to remove and properly dispose of the waste or, if a dump site will remain in place it must be investigated and closed in accordance with plans approved by the Department.
51. Section III.F.2.a.i (pg 306-309): The term “Hazardous Waste” is defined in 6 NYCRR Part 370 thru 374 and 376. Terms used in this section of the DEIS are not consistent with the regulatory definitions. The Limited Hazardous Materials Assessment Survey does not appear to have included the contents of the buildings and elements of the building structures that would be probable Hazardous Wastes other than caulk and paint; there are additional elements that should be readily identified as Hazardous Waste. The project sponsor needs to provide an outline of possible Hazardous Wastes along with the survey method to be used for identification. A plan must be outlined for managing any Hazardous Waste that is found, i.e., segregation, security, containment, and “cradle to grave” liability, etc. The segregation of building contents and elements of the buildings that would be characteristic Hazardous Waste, before wholesale demolition, will allow for better management of the generated wastes, lower costs of disposal and less impact to state and national Hazardous Waste Disposal Capacity. In addition there needs to be further discussion regarding the potential disposal of Hazardous Waste. The two disposal facilities that were identified in Section III.F are not permitted to receive Hazardous Waste.

General Comments – Relevant to Multiple Sections

52. There is no discussion of the potential impacts of constructing the proposed trail system including disturbances within the wetland adjacent areas, clearing of trees, potential for transmission of invasive species, etc. The structure of the trails (width, paving, etc) is not provided in the Draft EIS or Appendices.
53. The Draft EIS makes frequent mention of “restrictive covenants” that will prohibit certain practices by homeowners (e.g., use of fertilizers and pesticides) that are harmful to natural resources. However it may be difficult to ensure good stewardship over the long-term with 160 or so individual home owners and changing ownership over time. Clearing, mowing, unofficial trails, pond-building, lighting, etc. can all have impacts to the site’s natural areas and wildlife. A more reliable method for long-term enforcement of covenants is needed than self-administration by a Property Owners’ Association if these are to be relied upon as mitigation for impacts. In addition, analysis of the potential of impacts from homeowners is limited by the lack of proposed property boundaries.
54. Many key figures in the main document have been shrunk to fit the page, resulting in the loss of listed scale. This makes analysis and comparison of different figures impossible. Provide the proper scale or include original copies of figures.
55. There are numerous references to geothermal energy production, but no locations are given. Without any indication of the location of potential well drilling, it is impossible to gauge the potential impacts on

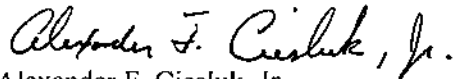
Re: Hudson River Valley Resorts
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Town of Rosendale, Ulster County
DEIS COMMENTS

August 11, 2011

hibernacula, wetlands, and other resources. In addition geothermal wells may need Mined Land Reclamation permit(s) if greater than 500 feet in depth and potentially a SPDES permit if not a closed loop system. Drilling activities may constitute a significant impact in terms of noise as well.

If you have any further questions, please feel free to contact me at (845) 256-3059 or Rebecca Crist of my staff at (845) 256-3014.

Sincerely,

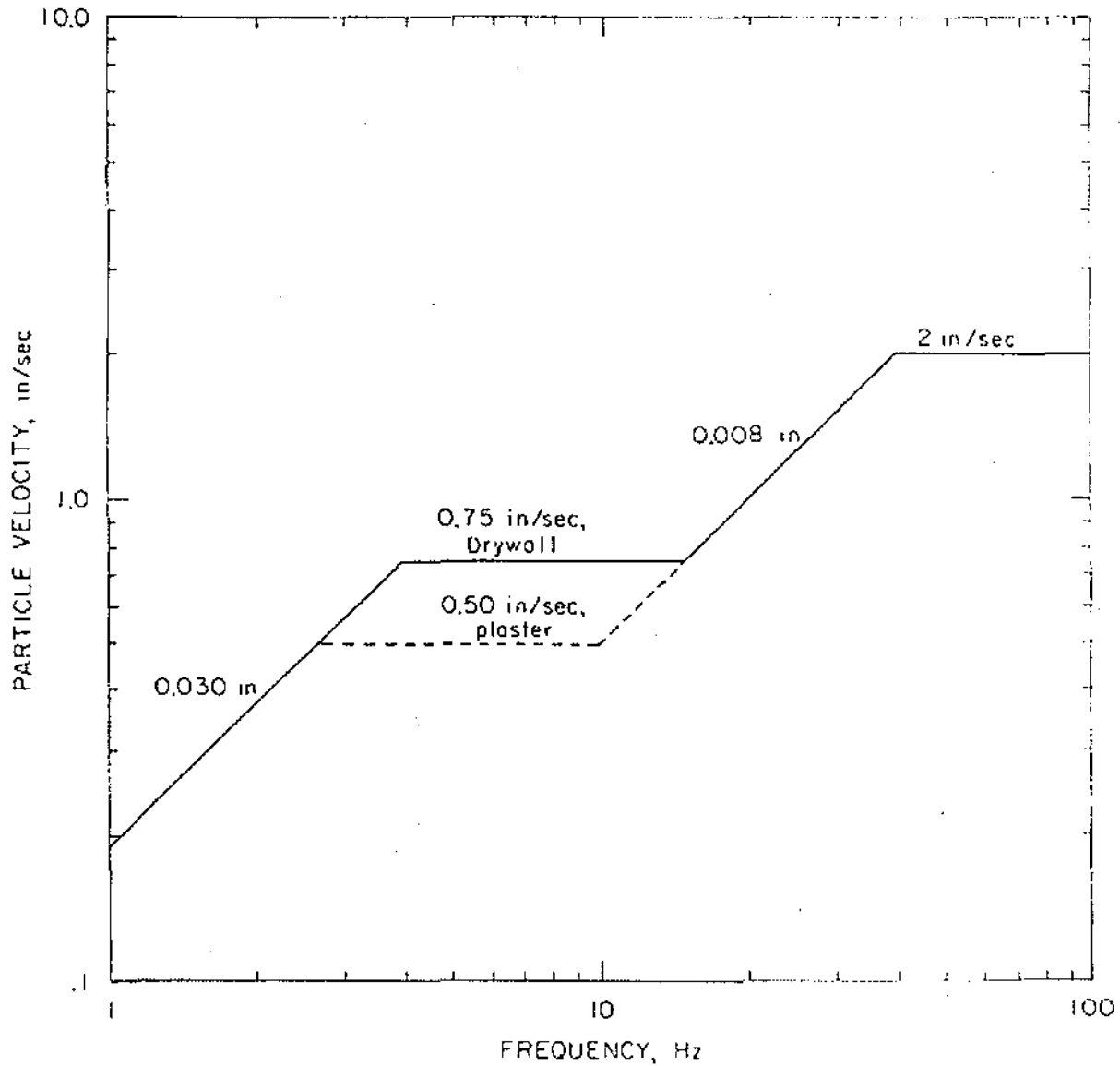


Alexander F. Ciesluk, Jr.
Regional Permit Administrator

Ecc: Patrick McDonough, Town of Rosendale Supervisor (w. enc)
Jennifer Metzger, Town of Rosendale Deputy Supervisor (w. enc)
Bill Liggan, Town of Rosendale Planning Board Chair (w. enc)
Rebecca Crist, DEC Division of Environmental Permits (w. enc)

Enc: Blasting chart

BLASTING CHART - GROUND VIBRATION LIMITS



RI-8501 Figure B-1. Safe levels of blasting vibration for houses using a combination of velocity and displacement.

From: Siskind, D. E., Stagg, M. S., Kopp, J. W., and Dowding, C. H., 1980, Structure Response and Damage Produced by Ground Vibration From Surface Mine Blasting, Bureau of Mines Report of Investigation RI-8507, United States Department of the Interior, 74 p.