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July 9, 2024

Town of Cairo Planning Board
Attention: Joseph Hasenkopf, Chair
512 Main St., PO Box 728
Cairo, NY 12413
planning@townofcairo.com
dvollmer@townofcairo.com

**Re: Public Comments on proposed Blackhead Mountain Lodge project
54, 64 & 74 Crows Nest Rd. & 153 Bald Hills Rd. N.
Tax Map Nos. 116.00-1-24, 25 & 116.16-1-1**

Dear Chairman Hasenkopf and Members of the Planning Board:

Protect the Adirondacks (“PROTECT”) offers these comments for your consideration as the Planning Board reviews the proposed Blackhead Mountain Lodge project to develop a tourist resort and spa/hotel (“Project”) on the above-referenced property. It is our understanding that the Project involves constructing at least 87 new buildings—including a 91,000-square-foot lodge and a wastewater treatment plant—reengineering the mountainside, rerouting ponds and streams into a giant water basin, the physical disturbance of at least 73.2 acres of land, and the clearing of more than 11 acres of forest.

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. We generally do not comment on private land projects in the Catskills, but in light of potential impacts to the Catskill Forest Preserve inside the Catskill Park as a result of the proposed Project, we offer the following comments for your consideration as you review the proposed Project. We urge the Planning Board to issue a positive declaration pursuant to the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law article 8, and require the preparation of an environmental impact statement (“EIS”) for the Project.

Protect the Adirondacks

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A Type I SEQRA Action Is Presumed to Have at Least One Significant Adverse Impact

Because the Project involves the physical disturbance of over 73 acres of land it is classified as a Type I action under SEQRA.¹ As a Type I action, the Project “carries with it the presumption that it is likely to have a significant adverse impact on the environment”. 6 NYCRR § 617.4(a)(1). When a project “*may* include the potential for at least one significant adverse environmental impact”, an EIS evaluating identified potential impacts must be prepared. 6 NYCRR § 617(a). Here, since the Project “*may*” have the “potential for at least one significant adverse environmental impact”, the Planning Board must require the preparation of an EIS. *Id.*

When the Planning Board evaluates the SEQRA full environmental assessment form (“EAF”) Part 2 for the Project, it will find that several categories of impacts indicate that the Project will have a moderate to large environmental impact. Considering the “Impact on Land” in the EAF Part 2, the Project is likely to have a moderate to large impact due to the extensive amount of physical land disturbance (73 acres); the creation of 19.34 acres of impervious surfaces; the fact that the average depth to bedrock at the project site is less than 5 feet from the ground surface; and the fact that almost 50% of the site has slopes 15% or greater. Additionally, considering the “Impacts on Surface Water” in the EAF Part 2, the Project involves the construction of a new wastewater treatment system that will discharge into a stream that flows into the Shingle Kill (classified as a protected stream that may support trout spawning), the Project is located within the 100-year Floodplain, and the Project involves the creation of 3+ acres of new surface water features that will change the existing surface water flows.

Furthermore, considering the “Impacts on Plants and Animals” in the EAF Part 2, the Project involves the cutting of more than 10 acres of forest; it involves designated significant natural communities (e.g., Chestnut Oak Forest, Hemlock-Northern Hardwood Forest, Appalachian Oak-Pine Forest); and it involves the habitat of endangered or threatened species (e.g., Monarch Butterfly, Indiana Bat, Northern Long-Eared Bat). The Project’s existing forest adjoins the Windham-Blackhead Range Wilderness area of the Forest Preserve in the Catskill Park. All of the Project’s adverse impacts on the Forest Preserve (including but not limited to the loss of adjacent forest, aesthetic impacts, noise from helicopters and other uses of the Project land) need to be fully examined in an EIS. The Forest Preserve is protected by the NYS Constitution’s “Forever Wild” provision, which states that the Forest Preserve “shall be forever kept as wild forest lands”.² The potential adverse impacts to the “Forever Wild” nature of the Forest Preserve must be evaluated in full, and the impacts from the proposed development on Project site must be mitigated and eliminated to the fullest extent possible.

The above – Impacts on Land, Surface Water, and Plants and Animals – are just three instances of potentially significant adverse environmental impacts from the Project. The Planning Board is likely to identify more as it completes the EAF Part 2. For example, the adverse impacts on “Community Character” are likely to be significant given that the Project will replace a 22-

¹ The construction of a project, other than residential facilities, “that involves the physical alteration of 10 acres” or more is a Type I action pursuant to the SEQRA regulations. 6 NYCRR § 617.4(b)(5).

² NYS Constitution Article 14, Section 1.

bedroom lodging facility of a few buildings with a 264 bedroom 87-building resort that will host up to 800 people, more than the existing population of Round Top. In completing Part 3 of the EAF, you should conclude that the Project has the potential for at least one significant adverse impact. Accordingly, the Planning Board should issue a positive declaration, which will require the preparation of an EIS for the Project.

The preparation of the EIS provides opportunities for public participation that will allow interested stakeholders to monitor and comment on the development of the EIS. The transparent and organized process of preparing the EIS is critical to ensuring that the public can weigh in on the Project and can feel confident that all reasonable efforts were made to consider alternatives and to avoid, minimize or mitigate the potential adverse impacts. *See* 6 NYCRR § 617.11(d). Having the applicant provide additional documentation and studies (e.g., traffic studies, noise studies, wetlands maps), but not requiring the preparation of a full EIS, is not an adequate or legal way to review this Project.

Finally, pursuant to 6 NYCRR § 617.12(b)(1), we hereby request that you add PROTECT to the distribution list for all SEQRA-related documents, and we also request a copy of the draft Scoping Document once it is available for review. We also suggest that complete copies of the SEQRA documents for this Project, and all of the related reference materials, studies, maps and other materials relied upon by the Planning Board, be made available on the Town's website for public review. *See* 6 NYCRR § 617.12(b)(3) (requiring all SEQRA documents to be "readily accessible to the public and made available on request").

On behalf of the Board of Directors of Protect the Adirondacks, we thank you for considering our comments regarding this matter.

Sincerely,



Claudia K. Braymer
Deputy Director

cc: Evan H. Hogan, NYS DEC Environmental Analyst I
McCrea Burnham, NYS DEC Catskills Coordinator