



BY EMAIL AND REGULAR MAIL

September 30, 2014

Hon. Kevin Law, Chair
Mr. Paul Francis, Member
Mr. Dennis E. Glazer, Member
Mr. Stuart Rabinowitz, Member
Mr. William C. Thompson, Jr., Member
NYS Gaming Facility Location Board
PO Box 7500
Schenectady, New York 12301-7500

Re: Casino Development in the Catskills and Highlands Regions of New York

Dear Chairman Law and Members of the Board:

We submit these written comments on behalf of the Natural Resources Defense Council (NRDC) with respect to this Board's consideration of potential casino locations within New York's Hudson Valley/Catskills region. In short—as a non-profit environmental organization involved in New York regional issues for the past four decades—NRDC is very concerned about the possible siting of multiple casinos in the Catskills region of Sullivan County and the proposal for a sprawling, heavily trafficked casino complex in the middle of Sterling Forest State Park.

The Catskills and Highlands regions are two of the most treasured and integral natural areas in the eastern United States. Both are home to pristine waterways, spectacular vistas, and an incredible diversity of wildlife. And because of their proximity to some of the state's most populous areas, they present unequalled opportunities for outdoor recreation, such as hunting, hiking, camping, and world-renowned trout fishing. Importantly, both regions are also vital components of major watershed areas that provide millions of people with fresh drinking water every day. In particular, the Catskills comprise the bulk of the New York City watershed—delivering high-quality unfiltered drinking water to over nine million people—and the 21,000-plus-acre Sterling Forest State Park in the middle of the Highlands region forms a significant unspoiled portion of the Ramapo River watershed—serving more than 4.5 million people in New York and New Jersey.

While NRDC takes no position on gambling, for more than a decade, we have actively opposed siting of major Las-Vegas style casino facilities in ecologically sensitive areas of the state. Of the proposals now before the Location Board, we raise two chief concerns.

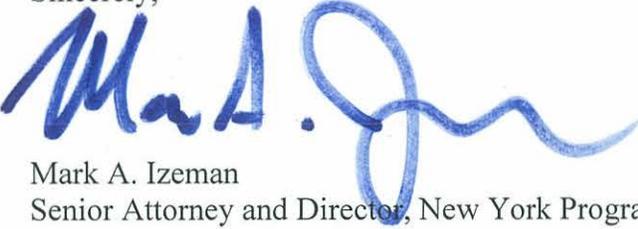
First, NRDC opposes the siting of multiple casinos in Sullivan County because of the cumulative environmental injuries this clustering would bring to the heart of the Catskills region—including increased traffic, impairment of air and water quality, and ancillary sprawl development. While many of the casino proposals for Sullivan County have been withdrawn from the application pool, we emphasize that the clustering of multiple casinos in Sullivan County would be plainly unacceptable and strongly opposed either now or in the future. Further, we note that siting more than one casino in Sullivan County would trigger new or supplemental environmental review requirements, particularly with respect to cumulative impacts that, as far as we are aware, have not been sufficiently assessed in any environmental review documents to date.

Second, NRDC opposes the proposal by Genting Americas to build a mammoth facility—a 1.4 million square-foot complex with a 1,000-room hotel, a 50,000 square-foot gaming floor, and 7,000 parking spaces—on a small inholding well within the boundaries Sterling Forest State Park. While we recognize and appreciate the developer’s assurances to NRDC and other stakeholders that all possible efforts will be made to minimize the environmental impact of this facility upon the forest, the fact remains that a sprawling commercial facility designed to attract 7,000,000 visitors annually—most of them by car—in the heart of a largely pristine wilderness does not constitute environmentally responsible development. By design, Sterling Forest is simply an inappropriate location for a massive casino and resort complex, even if the project would include some environmental mitigation and green design features.

Indeed, were it not obvious enough on its face, the incompatibility of Sterling Forest for this development was recently confirmed by a unanimous resolution of the Palisades Interstate Park Commission (the “Commission”)—the interstate agency responsible for management the Forest—against the proposed facility. Specifically, the resolution rejects the developer’s request to use Commission-controlled land to facilitate additional transportation infrastructure for the casino as not in keeping with the Commission’s mission to “preserve the scenic beauty, natural resources and public enjoyment of Sterling Forest.” Because the use of Commission property and roads, including Route 106, appears necessary to serve the facility’s large projected traffic volumes, the Commission’s overwhelming rejection may signal a practical death knell for this ill-conceived proposal. At the very least, it adds to the considerable legal hurdles now faced by the developers. Among other legal deficiencies, based upon the materials we have been able to review to date, environmental review of the project plan fails to adequately consider impacts from increased traffic and the effect of projected water withdrawals on local drinking water resources and also impermissibly segments review of a new proposed Thruway interchange.

In sum, we respectfully ask that the Location Board fully weigh the unique and invaluable importance of the Catskills and Highlands regions in its determinations by ensuring that these treasured areas will be protected from inappropriate casino development.

Sincerely,



Mark A. Izeman
Senior Attorney and Director, New York Program



Daniel Raichel
Project Attorney, New York Program

Enclosure

Sterling Forest Resorts Resolution:

Whereas, the Palisades Interstate Park Commission was created to maintain and operate park land "for the use of the public and for the purpose of preserving the scenic beauty of the Palisades and other lands therein"; and

Whereas, under the Palisades Interstate Park Commission's Congressionally approved 1937 Interstate Compact, it was agreed to and pledged the "faithful co-operation in the future planning, improvement, development, maintenance, government and management of the park, holding in high trust for the benefit of the public the special blessings and natural advantages thereof"; and

Whereas, Sterling Forest State Park was acquired through a federal, state (New York and New Jersey) and private sector partnership at significant public cost of approximately \$70 million; and

Whereas, Sterling Forest State Park was acquired to protect its vast and unique natural resources with particular concern regarding the protection of water resources; and

Whereas, Sterling Forest State Park is classified as a Scenic Park with 95% designated Park Preserve Areas and Bird Conservation Areas; and

Whereas, Sterling Forest Resorts has proposed a Casino on private lands surrounded by Sterling Forest State Park in conjunction with construction of a proposed new interchange off the New York State Thruway (designated Exit 15B) connecting to Route 17A; and

Whereas, Sterling Forest Resort has requested support for approval by the Palisades Interstate Park Commission the use of park lands and/or access to a park road (Route 106) to facilitate the proposed New York State Thruway Exit 15B; and

Whereas, The Commission has carefully reviewed and considered the information provided by Sterling Forest Resort in support of the use of park lands and/or access to a park road (Route 106) to facilitate the proposed New York State Thruway Exit 15B in letters dated June 6, 2014, June 13, 2014, June 27, 2014, August 26, 2014, September 10, 2014 and presentation materials dated May 27, 2014; and

Whereas, pursuant to the Commission Compact and the 1985 New York State law authorizing an easement of Commission property for Exit 15B, the Commission must determine that said easement will not interfere with use and enjoyment of park property by the public.

Now, Therefore, Be It Resolved that in the Palisades Interstate Park Commission's opinion, the proposed development of New York State Thruway Exit 15B, in conjunction with Sterling Forest Resort, is not in accordance with our stewardship mission and the public trust to preserve the scenic beauty, natural resources and public enjoyment of Sterling Forest and Harriman State Parks and cannot affirmatively find that such action would not interfere with the use and enjoyment of park property by the public and therefore denies the Sterling Forest Resort request for support and approval of Exit 15B upon and/or accessing Commission property.