



United States Department of the Interior

NATIONAL PARK SERVICE
Appalachian National Scenic Trail
P.O. Box 50 (Deliveries: 252 McDowell St.)
Harpers Ferry, WV 25425

IN REPLY REFER TO:

1.A.1

September 30, 2014

New York Gaming Facility Location Board
New York State Gaming Commission
One Broadway Center
Schenectady, NY 12301-7500

RE: New York State Gaming Commission, Application for Permit for Sterling Forest Resort, Tuxedo, Orange County, New York

Dear Gaming Facility Location Board Members:

The National Park Service (NPS), Appalachian National Scenic Trail (A.T.) would like to provide comments regarding the application submitted to the New York State Gaming Facility Location Board to develop and operate a gaming facility for Sterling Forest Resort located in Tuxedo, Orange County, New York. The site of the proposed development is described in the application as the 238-acre, Renaissance Faire and Tuxedo Ridge Ski Center site, in the town of Tuxedo. The site is surrounded by the nearly pristine, 22,000 acre Sterling Forest State Park.

The proposal includes construction of new venues and retail space as well as revitalization of the existing seasonal ski resort and fairgrounds into a year round "use-concept for the area." The proposal potentially includes construction of a new amphitheater, a spa and fitness center, a 25,000 square foot lodging facility, retail space, and new parking areas. Furthermore, the development requires construction of a new highway exit connecting the New York Thruway to Route 17A, where the site is located. According to the application materials submitted to the Gaming Board on behalf of Genting Group, the proposed resort would be located within 1 ½ miles of the A.T.

We appreciate that the A.T. is listed in the SEQRA scoping document as a resource to be assessed. With regard to the Genting Group Sterling Forest Resort proposal, the National Park Service offers the following comments for your consideration.

Appalachian National Scenic Trail, Background

The Appalachian National Scenic Trail, a 2,185 mile long footpath that traverses the scenic, wooded, pastoral, wild, and culturally resonant lands of the Appalachian Mountains, was conceived in 1921, built and maintained by a consortium of agencies and private citizens, and

designated the nation's first national scenic trail in 1968 through the National Trails System Act (NTSA). Today the A.T. is a unit of the National Park Service and is managed by the NPS, U.S. Forest Service, Appalachian Trail Conservancy, numerous state agencies and thousands of volunteers.

The NTSA established the Appalachian National Scenic Trail and directed the Secretary of the Interior, in cooperation with the Secretary of Agriculture, state and local governments, and private citizens, to protect and administer the use and access to the trail, regulate incompatible uses and enter into agreements with state agencies and non-governmental organizations to protect, manage, maintain and develop the A.T. It also encouraged state agencies to pass similar legislation and take active steps to protect the A.T.

In 2014, the National Park Service signed a third, ten-year agreement with agencies of the State of New York for cooperative protection, management and administration of the A.T. Among the signatory agencies are the New York State Office of Parks, Recreation and Historic Preservation, the New York Department of Environmental Conservation, New York State Department of Transportation, as well as partners the Appalachian Trail Conservancy and New York-New Jersey Trail Conference. In the latest agreement signed on June 17, 2014 (attached), all signatories agree to support:

“...cooperative programs intended to identify and provide additional protection to natural, scenic, and cultural resources of significance adjacent to the Trail. These programs may include acquisition or purchase of lands or conservation easements, designations through the New York State Natural Heritage Program, designation to the State or National Register of Historic Places, and forestry management practices to enhance recreation and aesthetic values.”

The protection of New York's Sterling Forest is an outstanding example of the long-standing effort to preserve the Trail corridor and the hiking experience for future generations. Sterling Forest State Park surrounds the proposed resort development and includes approximately 22,000 acres of protected lands in a highly valuable recreation area and critical watershed for New York City. These lands were preserved through the strong and effective collaboration of the NPS, the States of New York and New Jersey, the Palisades Interstate Park Commission, private conservation groups and many citizens. We believe that this proposed large scale development will significantly diminish the value of the public investment to date in this area.

General Comments

State Environmental Quality Review Act

The State Environmental Quality Review Act (SEQR), requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making, and when deciding to approve or undertake an action. These agencies must assess the significance of all environmental impacts of all actions they have discretion to approve, fund or directly undertake. If an action is determined to have potentially significant adverse environmental impacts, an Environmental Impact Statement is required.

The Gaming Commission should perform a full evaluation of the environmental impacts of its action - issuing gaming permits - considering all casino proposals and weighing the potential environmental consequences of each, prior to making a decision on whether to issue permits for any of the current proposals. In light of the potential significant, adverse impacts to natural and cultural resources associated with issuing permits for any of the current proposals, we recommend undertaking the analysis within a full Environmental Impact Statement process.

Cultural Resources

The A.T. comprises a continuous linear Historic District eligible for listing in the National Register of Historic Places (NRHP). The NPS is currently preparing documentation to formally list the A.T. on the NRHP. The A.T. maintains its historical integrity as a nationally significant recreational resource that was planned and developed to reach, conserve and experience the remote, natural, wild, scenic and cultural lands along the Appalachian Mountain Chain. The trail itself, its structures and cultural landscapes, viewpoints and vistas, and its natural setting are all vital elements to the Historic District's national significance as a recreational resource and to its NRHP eligibility.

As stated above, the proposed project is located within 1 ½ miles of the Appalachian National Scenic Trail. The Appalachian National Scenic Trail Resource Management Plan (RMP) and a National Register of Historic Places Multiple Property Identification Form (MPDF) conducted analysis of cultural resources associated with the A.T. and which contribute to the Trail's significance. Among the resources documented as contributing to the significance of the A.T. are Viewpoints and Vistas.

Viewpoints and Vistas

Viewpoints and Vistas along the A.T. are locations that are identified in the official guidebooks and maps as ideal scenic viewing locations and are specifically maintained to call attention to the scenery available within a given locale. They are important because they are often the feature in an area that most enhances the recreational hiking experience. Preliminary analysis by NPS staff (attached) indicates that the proposed development would be visible from two prominent viewpoints: the Mombasha High Point and the Buchannon Mountain Vista. An analysis, with photo simulations, should be undertaken as part of the SEQR process that includes views of the landscape from the perspective of visitors to these mountaintop viewpoints and vista locations along the A.T. Additionally, photo simulations should be conducted for analysis of impacts to the views from the actual footpath of the A.T. along the ridgeline within this area.

As stated above, such vistas and viewpoints are directly associated with the historical significance of the A.T. and are a contributing element of the A.T.'s National Register of Historic Places eligibility. In the New York State Agreement signed on June 17, 2014, all signatories also agree:

“To help ensure the historic significance of the Appalachian Trail in New York is taken into consideration at all levels of planning and development.”

Natural Resources

The ecological integrity of the Sterling Forest and that of the A.T. are in keeping with the intentions of the A.T.'s original designers, which was to provide hikers with an opportunity to experience a remote, natural environment that offers refuge and the most extensive and scenic natural and wild lands available east of the Mississippi River. An analysis of impacts to the A.T. should consider its unique natural resources, including rare, threatened and endangered species, migratory birds, air quality, and the ambient sounds and night skies characteristic of the remote natural setting of the A.T. in this area.

Rare, Threatened and Endangered Species

Rare, Threatened and Endangered Species (RTE) occurrences were documented in a series of natural heritage inventories conducted on A.T. lands in each state between 1989 and 2001. One of the most significant natural heritage sites identified on Appalachian Trail Lands in New York, within two miles of the proposed development, is Little Dam Lake, where several state-rare water plants were identified, including *Potamogeton diversifolius* (water-thread pondweed), *Ceratophyllum echinatum* (prickly hornwort), *Megalodonta beckii* var. *beckii* (water marigold) and *Potamogeton pulcher* (spotted pondweed). Little Dam Lake also provides habitat for the state-endangered *Acris crepitans* (northern cricket frog).

The Sterling Forest is home to a multitude of diverse migratory birds, at least fourteen of which are listed by the U.S. Fish and Wildlife Service (USFWS) as year-round and seasonal residents in the area of the proposed development. The USFWS also lists five threatened and endangered species that could be located within the project area, and therefore on A.T. lands: Dwarf wedgemussel, Small Whorled pagonia, Indiana bat, northern long-eared Bat, and Bog Turtle. A significant amount of vegetation will be removed during the construction of both the highway improvements and the site improvements associated with this project. The NPS recommends full consideration of impacts to RTE species and federally listed species from developments associated with this project.

Air Resources

Air quality is a central resource and a monitored and protected natural resource associated with the Appalachian National Scenic Trail. Trail managers monitor concentrations of pollutants in the air and assess the effects of those pollutants on park resources. There are a number of national ambient air monitoring stations located near the A.T. that monitor pollutants of primary concern to the NPS. In 2002, the NPS Air Resources Division staff developed baseline air quality values for all NPS units. Using concentrated isopleth maps, Trail managers and NPS air quality specialists were able to indicate pollutant values along segments of the A.T. The current Sterling Resort development will include substantial increases in traffic as well as a significant amount of development, which could adversely impact air quality in the area. We recommend that an analysis of potential impacts to air quality be conducted from all aspects of the Sterling Casino development, including the proposed highway interchange improvements.

Natural Sounds, Night Skies

NPS Management Policy 4.10 (Lightscape Management), states that the NPS will preserve, to the greatest extent possible, the natural lightscapes of parks, which are natural resources and

values that exist in the absence of human-caused light. In addition, the A.T. contains ambient sound levels consistent with a remote wilderness environment vital to the overall recreational experience of hiking the A.T. The project will add lighting, increased noise and traffic in an otherwise remote setting. We recommend a full environmental analysis of the addition of noise and lighting on the acoustic environment and the natural lightscape of the A.T. in this area.

Given the comments noted above, we believe issuance of a permit for this project has the potential to cause significant adverse impacts to not just visual resources, as cited in the SEQR scoping document, but also natural resources associated directly with the historic conservation efforts and recreational opportunities of the A.T.

Due to the high potential for substantial adverse impacts to the Appalachian National Scenic Trail, the National Park Service respectfully requests that the New York State Gaming Commission *not* issue a permit for a development on this site. Instead, consideration of applications for permits located in alternate locations more suitable for a development of this scale is requested.

The NPS/A.T. would like to stay informed of the status of the SEQRA planning and compliance process as the permitting process moves forward.

Thank you for the opportunity to comment. Please contact me at (304) 535-6279 if you have any questions, or would like to discuss further.

Sincerely,


Wendy K. Janssen
Superintendent

Attachments

cc:

Joseph Martens, Commissioner
NYS Department of Environmental Conservation
Albany, NY 12233-1010

Rose Harvey, Commissioner
NYS Office of Parks, Recreation and Historic Preservation
Albany NY, 12238

Jim Hall, Executive Director
Palisades Interstate Park Commission
Bear Mountain, NY 10911

Lorraine M. Laurent, Town Clerk
Town of Tuxedo
One Temple Drive
Tuxedo, NY 10987

Ron Tipton, Executive Director / CEO
Appalachian Trail Conservancy
Harpers Ferry, WV 25425

Ed Goodell, Executive Director
New York-New Jersey Trail Conference
Mahwah, NJ 07430