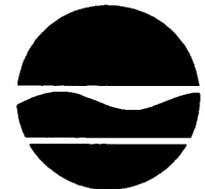


APPENDIX B

Correspondence

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
www.dec.state.ny.us



Alexander B. Grannis
Commissioner

September 13, 2007

James A Bates
Tim Miller Associates, Inc
10 North Street
Cold Spring, NY 10516

Dear Mr. Bates:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Development and Golf Course, area as indicated on the map you provided, located along St. Josephs Road, Town of Forestburg, Sullivan County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Seoane jps
Tara Seoane, Information Services
NY Natural Heritage Program

Encs.

cc: Reg. 3, Fisheries Mgr.
Peter Nye, Endangered Species Unit, Albany

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Ms. Joanne Nagoda - Town Clerk
Town of Forestburgh
PO Box 114
Forestburgh, NY 12777

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Ms. Nagola,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential/resort development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed phasing plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

The project sponsor proposes a planned development consisting of a gated community of single family residence lots, a cottage and condominium component, hotel/conference facilities and an extensive recreational component. On-site recreational amenities would include an 18-hole championship golf course and driving range, clubhouse and restaurant, swimming and boating facilities, tennis courts, health and wellness spa, and conference center; and a system of wilderness trails for walking and passive recreation. The project would include development of interior road systems, utilities and stormwater infrastructure, a community water supply, and wastewater treatment facilities.

The site totals approximately 2,100 acres located entirely in the Town of Forestburgh. Lost Lake Resort is planned for 2,557 single-family residential lots, a cluster of 30 single family cottages, and a cluster of 40 multifamily dwellings in seven development phases. While the residential component would be built and occupied incrementally, over at least a decade, the environmental review being conducted represents the fully developed project in order to assess the impacts at full build out. Assuming Phases 1 and 2 housing is entirely built and occupied (635 dwelling units), we would project a potential population increase of 2,331 people for Phases 1 and 2, including approximately 667 school age children. This population would likely arrive over a four to five year period resulting in an annual increase of approximately 466 new residents.

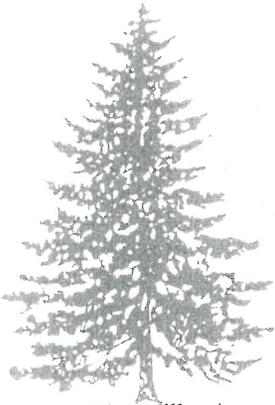
As part of the environmental review we will need a profile of existing recreational services provided by the Town such that we can project an assessment of the potential impacts. Should you not be able to provide written correspondence, I can be reached by telephone on weekdays. Please include any reference material you feel might provide useful information.

Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner
TIM MILLER ASSOCIATES, INC.



TOWN OF FORESTBURGH
P.O. Box 114
Forestburgh, New York 12777

07093
AC
Tel. (845) 794-0611
Fax (845) 794-0678

July 19, 2009

COPY

Tim Miller Associates, Inc.
Ms. Ann Cutignola, Senior Planner
10 North Street
Cold Spring, New York 10516

Re: Lost Lake Resort

Dear Ms. Cutignola:

I am in receipt of your correspondence dated June 16, 2009 with regard to the proposed Lost Lake Resort Community.

The Town of Forestburgh has always provided recreational programs for our youth. We currently offer two programs, one is our winter ski program and the other is our summer camp/recreation program. Our ski program runs from January through late February, early March depending upon the snow conditions. If the participation is high and merits transportation, the Town contracts with a carrier to transport participants from our meeting place at the Forestburgh Fire House to Holiday Mountain Ski Facility. The Town provides the lift tickets for all participants, equipment rentals and lessons are available at a reduced rate for any participant.

Our summer camp/recreation program is an extensive six to eight week long program. It runs Monday through Friday from 9:00 a.m. until 2:30 p.m. We offer swim lessons, arts and crafts, game time, a literacy component as well as children's theater at the Forestburgh Playhouse, visits from the Forestburgh Fire Company, Mobilemedic Ambulance Company, the Police K-9 unit, bicycle rodeos, and other various educational elements. This program is free of charge to all town residents with children between the ages of 4 through 12.

Forestburgh, being a small residential community, has a very low turnover of residents. This makes it difficult to keep these programs steady. Right now we are beginning a new "loop" with many infant children in town and a larger group of pre-adolescent children, which means that our "target" group (children 6 through 10) are declining. Our largest registration for the summer program was, at one time 85 youth being served. We receive additional funding for this program from the Sullivan County Division of Youth.

At this time, we are trying to reestablish a "recreation committee" in the hopes of creating a more active youth recreation program. In the past, when the program was run by a formal committee, there were Holiday Pot Luck Parties where the youth provided the music, we had a Forestburgh Youth Symphony, there were Halloween Parties complete with a "haunted" town hall and "trunk" or treating, spring "Bunny Brunches" all in addition to the ski and summer program.

Should you require any additional information, please do not hesitate to contact me.

Very truly yours,

Joanne K. Nagoda,
Town Clerk

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Dr. Patrick Michel
Superintendent of Schools
237 Forestburgh Road
Monticello, NY 12701

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Dr. Michel:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential/resort development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed phasing plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

The project sponsor proposes a planned development consisting of a gated community of single family residence lots, a cottage and condominium component, hotel/conference facilities and an extensive recreational component. The project would include development of interior road systems, utilities and stormwater infrastructure, a community water supply, and wastewater treatment facilities.

The site totals approximately 2,100 acres located entirely in the Town of Forestburgh. Lost Lake Resort is planned for 2,557 single-family residential lots, a cluster of 30 single family cottages, and a cluster of 40 multifamily dwellings in seven development phases. While the residential component would be built and occupied incrementally, over at least a decade, the environmental review being conducted represents the fully developed project in order to assess the impacts at full build out. Assuming Phases 1 and 2 housing are entirely built and occupied (635 dwelling units), we would project a potential population increase of 2,331 people for Phases 1 and 2, including approximately 667 school age children. This population would likely arrive over a four to five year period resulting in an increase of approximately 133 new students per year.

As part of the environmental review we will need a written response regarding the effect of the increased population on the Monticello Central School District's facilities, and the ability of the School District to provide educational services to the children who will be associated with this property. To assist in this assessment, your responses to the enclosed questionnaire are important. Please forward any school district publications you feel might provide useful information on the district. Specifically, I am requesting the following information:

- Identification of the specific schools the children from this development would attend;
- their respective 2009-2010 projected enrollments and the capacity of each school.
- a copy or a summary of the 2009-2010 school budget

Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,


Ann Cutignola
Senior Planner

School District Questionnaire
Lost Lake Resort

Please provide responses to the following and supplement this with any further information you believe may be helpful to the Town in evaluating this project proposal.

1. Are the schools currently operating at capacity?

NO

2. Are there any existing plans for staff or facility expansion?

NO

3. What percentage of students in the district attend private schools?

Less than 5%

4. What is the Monticello School District budget for the 2009-2010 school year?

77 million

5. What percentage of budget is raised by the property tax levy?

≈ 49%

6. What is the 2008 student enrollment?

Emma Chase Elementary	<u>233</u>
George Cooke Elementary	<u>491</u>
Corneilus Duggan Elementary	<u>238</u>
Kenneth Rutherford Elementary	<u>542</u>
Robert J. Kaiser Middle School	<u>731</u>
Monticello High School	<u>1041</u>

7. What is the average annual increase/decrease in enrollment?

1.5% a year

8. Describe and quantify projected increases/decreases in enrollment.

same rate as above

Completed by:

Dr. Patrick Michel

Date:

7/27/09

Please return to:

Ann Cutignola
Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516
Phone: (845) 265-4400 Fax: (845) 265-4418
Email: acutignola@timmillerassociates.com

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Major Ed Raso, Troop Commander
NYS Police Department, Troop F
55 Crystal Run Road
Middletown, NY 10941-4039

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Major Raso,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner

07093
AC



COPY

**NEW YORK STATE POLICE
5754 STATE ROUTE 55
LIBERTY, NY 12754**

July 13, 2009

Ms. Ann Cutignola
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Dear Ms. Cutignola:

I am in receipt of your letter dated June 16, 2009, in reference to the anticipated Lost Lake Resort Project in the Town of Forestburgh. Thank you for taking the time to ask for our input in this development.

The State Police barracks in Liberty is the Headquarters for Zone 1 which covers all of Sullivan County. In addition to Liberty, there are State Police satellite stations in Wurtsboro, Roscoe, and Narrowsburg which all fall under the purview of SP Liberty. There are 46 troopers at this time in the county and they serve a population of 70,000 + residents. This population swells to over 300,000 during the summer months. In 2008 the State Police in Zone 1 handled 14,815 calls for service. While the proposed development would undoubtedly increase our agencies calls for service, I do not believe that the increase would be unmanageable. The area you noted in your correspondence is a relatively rural area. While traffic flow would increase with minor changes in the roadway, I do not believe that there would be significant adverse effects on traffic. The State Police maintains patrol coverage for the entire Sullivan County area and will continue to do so at no additional cost.

Please feel free to call with any questions that may arise.

Sincerely

Lieutenant Erik J. Dauber
Zone 1 Assistant Zone Commander
New York State Police
SP Liberty
(845) 292-6600

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Michael A. Schiff, County Sheriff
Sullivan County Sheriff's Department
8 Bushnell Avenue
Monticello, NY 12701

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Sheriff Schiff:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

The applicant for this project proposes a planned resort community called "Lost Lake Resort" that would provide an upscale recreational destination consisting of a gated community of single family residence lots, a cottage and condominium component, and hotel/conference facilities. On-site recreational amenities would include an 18-hole championship golf course and driving range, clubhouse and restaurant, swimming and boating facilities, tennis courts, health and wellness spa, and conference center; and a system of wilderness trails for walking and passive recreation. The project would include development of interior road systems, utilities and stormwater infrastructure, a community water supply, and wastewater treatment facilities.

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As part of the environmental review we will need a profile of existing services your Department provides such that we can project an assessment of the potential impacts. To assist in this assessment, your responses to the enclosed questionnaire are important. Should you not be able to provide written correspondence, I can be reached by telephone on weekdays. Please include any reference material you feel might provide useful information.

Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Chief Chris Bastone
Forestburgh Fire Department #1
PO Box 61
Forestburgh NY 12777

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Chief Bastone:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential/resort development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed phasing plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner
TIM MILLER ASSOCIATES, INC.

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

June 16, 2009

Ms. Margaret Abdo - Tax Collector
Town of Forestburgh - Town Hall
PO Box 114 King Road
Forestburgh, NY 12777

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Ms. Abdo:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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The project site is designated by the following section, block and lot number on the Town of Forestburgh tax maps:

- Section 3 Block 1 Lot 1.1
- Section 3 Block 1 Lot 2.1
- Section 3 Block 1 Lot 3
- Section 4 Block 1 Lot 7
- Section 4 Block 1 Lot 10.2
- Section 7 Block 1 Lot 1
- Section 8 Block 1 Lot 1.2
- Section 8 Block 1 Lot 2
- Section 20A Block 1 Lot 1
- Section 20B Block 1 Lot 1

Kindly forward me a copy of the current tax bills for these parcels. I need the detail which shows the tax rate listed by category, i.e. town, county, Fire district. I would also appreciate a copy of the Town's annual Budget, a summary which shows the total budget and the revenue to be generated by the tax levy would be sufficient.

Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner
TIM MILLER ASSOCIATES, INC.

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Ms. Cheryl Wolf
Catskill Regional Medical Center
PO Box 800
68 Harris Bushville Road
Harris, NY 12742

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Ms. Wolf:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Mr. Albee Bockman
Mobilemedic
Box 1
Hurleyville, NY 12747

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Mr. Bockman,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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Sincerely,



Ann Cutignola
Senior Planner

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

Ms. Mary Decker
Director of Public Relations
Bon Secours Community Hospital
160 East Main Street
Port Jervis, NY 12771

June 16, 2009

Re: Lost Lake Resort, Town of Forestburgh, Sullivan County, New York

Dear Ms. Decker:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed mixed use development in the Town of Forestburgh, known as the Lost Lake Resort. A site location map and proposed plan are included for your reference. As shown on the map, the site is located in the northern portion of the Town, east of NYS Route 42 and west of Cold Spring Road County Road (CR) 101. The project site is bisected by Saint Joseph's Road.

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Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions. I can be reached at 845.265.4400. I look forward to hearing from you.

Sincerely,



Ann Cutignola
Senior Planner

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

March 13, 2009

Frederick P. Wells
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

**Re: Proposed Lost Lake Resort
Town of Forestburgh, Sullivan County
DEC Pre-Application ID No. 3-4830-00061/00001
Proposed Habitat Assessment Protocols**

Dear Mr. Wells:

Department staff have reviewed the proposed habitat assessment protocols in regard to the above referenced project. This information was received by this office on February 13, 2009 and March 5, 2009. These protocols will be incorporated into the Draft Scope for the Draft Environmental Impact Statement (DEIS) to be prepared for this proposed project. These protocols are generally acceptable to the Department and field work should commence as necessary to avoid the potential for missing critical study periods. The Department offers the following comments:

Bird Survey Methodology:

All areas investigated during the bird assessment should be clearly indicated on a map. In addition, the location, including transects, of any threatened, endangered or special concern species identified during the assessment should be identified on a map and discussed in a narrative. The end result to be included in the impact statement should be a spatial reference as to where and how a species uses the property and not just a list of species that use the site. Please also provide clarification on what is meant by "within an hour of dawn and dusk". Does this mean an hour before or after? Department staff would like to know when the survey took place, including start time and stop time. Some bird species are also nocturnal, or call only at night or after dusk, so these may not be detected in a daytime survey. Discussion of how potential impacts to these species will be evaluated should be included.

Vernal Pool Survey Methodology:

It is the Department's position that the proposed vernal pool assessment should include both quantitative and qualitative data that can ultimately be used to better evaluate the potential impact to identified pools. This should include species specific egg mass and larval counts. Without this data, it would be difficult to determine the ecological significance or value of each pool in reference to other pools identified on the site. The end result, to eventually be included in the DEIS, should consist of a map clearly indicating each identified pool using a number identifier or equivalent which will be indicated on all applicable plan drawings, text assessments and tables to facilitate interpretation of the information presented. Impact assessment to these resources must include the interpreted value of the vernal pool, the surrounding habitat loss, fragmentation and hydrological changes as a result of proposed development activities. Please be aware that two different vernal pool survey sheets were presented to the Department (the first was submitted on 2/13/09 and the second on 3/5/09, both via electronic mail). It is the Department position that the revised sheet which included egg mass counts be used for this proposed habitat assessment.

**Re: Proposed Lost Lake Resort
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Vegetation Survey Methodology:

All areas investigated during the vegetation assessment should be clearly indicated on a map. Locations of any threatened, endangered or special concern plant species should be identified on a map. The end result should not be just a list, but also identify where particular plant species are located on the site. This information should be used to evaluate how species or vegetative communities may be impacted by the proposed development.

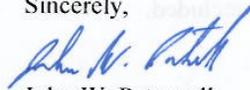
Within the proposed habitat assessment methodologies provided, there was no indication that habitat assessments for Timber Rattlesnakes (NYS threatened species) will be conducted. Due to the documented dens of this species in close proximity to the site, and the potential habitat located onsite, appropriate habitat assessment for this species must be included in the Draft scope and DEIS. I believe appropriate Timber rattlesnake assessment procedures and potential consultants that are familiar with these procedures was provided to you by Alec Ciesluk during your discussion on 3/5/2009 at the New Paltz office. If you require additional information on these procedures, please contact Lisa Masi for clarification. A proposed study protocol should be submitted to my attention for DEC review and approval as soon as possible to avoid the potential for missing critical study periods.

The Department is also requesting that in addition to the above referenced habitat assessment methodologies, that DEC staff be kept informed of the progress of the various assessments and the identification of any threatened, endangered or special concern species. The purpose of this measure is to ensure that DEC staff is involved at various checkpoints throughout the process and not commenting only on the end product discussed in the DEIS.

Please also be aware that Natural Heritage Program (NHP) reporting forms must be submitted to the NHP in Albany for any threatened, endangered or special concern species identified during the habitat assessment. Please also be advised that disclosure of sensitive information with regard to the location of threatened or endangered species should be discussed with the lead agency and the Department prior to release within the DEIS.

As previously indicated, upon receipt of the Positive Declaration and the Draft Scope from the Town of Forestburgh (lead agency), the Department intends to provide additional comments on the scope content. If you require any additional information, please do not hesitate to contact me at (845) 256-3050.

Sincerely,



John W. Petronella
Environmental Analyst
Division of Environmental Permits

Cc J. Galligan, Supervisor T. Forestburgh Town Board
D. Cordisco
R. Gracy, Double Diamond

Ecc L. Masi

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
www.dec.state.ny.us



October 20, 2009

Brian Bury
Tim Miller Associates, Inc
10 North Street,
Cold Spring, NY 10516

Dear Mr. Bury:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Mixed Use Development Project - 2,079-Acres, area as indicated on the map you provided, located at the Lost Lake Resort, Town of Forestburgh, Sullivan County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

PLEASE NOTE: This Project is Adjacent to the Neversink River Wildlife Management Area

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Salerno
Tara Salerno, Information Services
New York Natural Heritage Program

Enc.
cc:

From: Charles St. Lucia [mailto:cxstluci@gw.dec.state.ny.us]
Sent: Wednesday, December 09, 2009 2:03 PM
To: Orłowsky, William T.
Cc: John Sansalone; Thomas Rudolph
Subject: RE: Lost Lake Proposal, Sullivan County, Preliminary Effluent Limits; 12/9/09

Bill,

Per your request, I went through the critical low flow water quality based calculations for the three STP flow scenarios you sent me for the proposed Lost Lakes Resort Project.

Preliminary effluent limits are recommended as follows:

1. BOD5 - daily max limits of 10 mg/l, 15 mg/l, and 30 mg/l for flows of 0.55 mgd, 0.25 mgd and 0.1 mgd respectively.
2. TSS - daily max limits of 10 mg/l, 15 mg/l and 20 mg/l respectively.
3. Ammonia - daily max limits of 2 mg/l, 3 mg/l and 6 mg/l for the three flows respectively.
4. pH - 6.5 to 8.5
5. Settleable Solids - 0.1 ml/l
6. Phosphorus - 0.5 mg/l (30 day avg.)
7. Disinfection - recommended seasonally per Class B(T) stream. Typically May 15 - October 15.
8. Total Residual Chlorine - 0.01 mg/l if chlorine is used for disinfection.
9. Dissolved Oxygen \geq 4 mg/l.
10. Temperature \leq 70 Deg. Far.

It is possible to examine the less critical "winter" season for ammonia and BOD limits. Let me know if you want to pursue now or when you get closer to formal SPDES permit application. Also, as we discussed on the phone, the Delaware River basin Commission (DRBC) will conduct their own review of the project.

Finally, let me know if you still want a NYSDEC letter with these preliminary limits for your file.

I can be reached at (518) 402-8246 if you have questions.

12/10/2009



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

APR 27 2010

REPLY TO
ATTENTION OF:
Regulatory Branch

SUBJECT: Permit Application Number NAN-2009-00691
by Double Diamond Inc. (Lost Lake Resort)
Town of Forestburg, Sullivan County, New York

Mr. Frederick P. Wells
Tim Miller Associates
10 North Street
Cold Spring, New York 10516

Dear Mr. Wells:

On September 15, 2008, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by Tim Miller Associates, as consultants for Double Diamond, LLC. The site consists of approximately 2,090-acres in the Town of Forestburgh, Sullivan County, New York.

In a letter dated September 12, 2008, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A series of site inspections were conducted by representatives of this office on June 2, 3, and 9, 2009, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On February 1, 2010, this office received the modified delineation.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on the presence of wetlands as determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system; the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark, high tide line or mean high water mark of a water body as determined by known gauge data or by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawings entitled "Map Showing a Location Survey for Double Diamond, Inc. Town of Forestburgh, Sullivan County, New York," Sheets 1-20, prepared by Brinkash Associates, Inc. dated June 2, 2008 and last revised January 6, 2010. These drawings indicate that there are seventeen (17) principal wetland areas with a total of 249.49-acres on the project site that are considered to be waters of the United

States.

Wetland AA is located in the southern section of the property and is approximately 2.18-acres within the subject property. Wetland ABD bisects the subject property from the northwest to the southeast and is approximately 145.42-acres. Wetland C is located in the eastern section of the property and is approximately 9.19-acres within the subject property. Wetland D and Trout Lake (Lost Lake) are located in the northern section of the property and is approximately 74.83-acres within the subject property. Wetland E is located in the western section of the property and is approximately 4.22-acres within the subject property. Wetland EE is located in the northern section of the property and is approximately 1.7-acres within the subject property. Wetland G is located in the Northeastern section of the property and is approximately 3.76-acres within the subject property. Wetland H is located in the northern section of the property and is approximately 4.51-acres within the subject property. Wetland J is located in the northwestern section of the property and is approximately 2.68-acres within the subject property. Wetland L is located in the northern section of the property and is approximately 1.24-acres within the subject property. Wetland M-B is located in the southern section of the property and is approximately 0.02-acres within the subject property. Wetland N is located in the southern section of the property and is approximately 0.3-acres within the subject property. Wetland P is located in the southern section of the property and is approximately 1.25-acres within the subject property. Wetland T is located in the western section of the property and is approximately 1.77-acres within the subject property. Wetland W is located in the central section of the property and is approximately 2.65-acres within the subject property. Wetland Y is located in the western section of the property and is approximately 1.81-acres within the subject property. Wetland Z-1 is located in the northern section of the property and is approximately 1.10-acres within the subject property.

It should be noted that, in light of the U.S. Supreme Court decision (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178, January 9, 2001), the wetland areas designated as Wetlands BB, DD, K, M-A, Q, R, U, V, X, Z-2, TT-A and TT-B, as shown on the above referenced drawing, do not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act. The Court ruled that isolated, intrastate waters can no longer be considered waters of the United States, based solely upon their use by migratory birds.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers in June 2007. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:

<http://www.nan.use.army.mil/business/buslinks/regulat/jurisdet/index.htm>.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Michael G. Vissichelli, Administrative Appeals Review Officer
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by JUN 26 2010. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Stephan Ryba, of my staff, at (917) 790-8512.

Sincerely,



Christopher S. Mallery, PhD
Chief, Western Permits Section

Enclosures