

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

R Minutes of the October 23, 2017 Special Select Board Meeting (Joint Meeting with the Pomfret Planning Commission)

Select Board members present: Scott Woodward, Emily Grube, Michael Reese
Planning Commission members present: Bill Emmons, John Moore, Cy Benoit, Nelson Lamson, Orson St. John

Others present: Seth Westbrook (member of public & President of Woodstock Area Mountain Bike Association (WAMBA)), Jonathan Souter, Bill Overbay

Scott Woodward called the meeting to order at 6:11pm.

Along with members of the public, the Selectboard and Planning Commission conducted an open conversation to identify potential concerns with the minor Act 250 application for Suicide Six to establish mountain biking operations at the ski resort, as well as to hold events at the top of Suicide Six once per month from May to October of each year. This meeting was called as result of the Selectboard's decision to request a public hearing on the permit application. The District #3 Environmental Commission granted the request and the public hearing is scheduled for October 31, 2017 at 9am at the Suicide Six Ski Lodge.

In general, both public bodies, as well as members of the public, support the Woodstock Inn's Act 250 permit application. The following issues were raised and discussed by each of the public bodies present, issues that will be raised during the Act 250 hearing:

- 1.) On pg. 21 of its [Act 250 application](#), Suicide Six indicated that local zoning permit does not apply, but the group discussed and believes a zoning permit is required. The Woodstock Inn submitted a zoning permit application and The Zoning Board of Adjustment will hold a hearing on the matter on November 9th.
- 2.) The potential impact of noise and light on nearby residents with monthly events at the top of Suicide Six with 11:30pm cut-off;
- 3.) The potential for increased traffic through the Teago intersection. The Selectboard is currently exploring options to mitigate immediate safety concerns and long-term solutions for how to handle traffic at the intersection of Pomfret and Stage Roads, and Library Street;
- 4.) The potential for increased traffic on Austin Rd. coming from Woodstock and whether for events, event-goers would need to be bused to the top of Suicide Six during inclement weather;
- 5.) Ensuring that Suicide Six contributes to offset a share of emergency services costs, including ambulance service, not only for summertime, but winter sports as well;
- 6.) Public safety concerns about event guests who might be intoxicated and coming down from the top on the ski lift;
- 7.) The ability of emergency services, including ambulance service, to access the event area at the top;

- 8.) That either the local permit or Act 250 permit, or both, should have a mechanism to allow for revisiting conditions as more information becomes known;
- 9.) Establishing hours of operation for mountain biking operations.

Attached to these minutes are four documents:

- 1.) The original permit notice and application;
- 2.) The letter from the Selectboard requesting a hearing and identifying the applicable Act 250 criteria in question;
- 3.) The notice for the October 31, 2017 hearing, and
- 4.) A letter from the Agency of Natural Resources raising concerns about the permit.

Following discussion, the Selectboard voted to have Emily Grube speak at the Act 250 hearing on behalf of the board. The Planning Commission next voted to designate Bill Emmons to speak at the hearing.

The meeting adjourned at 7:49pm.

Date drafted: October 25, 2017

Date approved: 11/01/17

Respectfully submitted,

Scott Woodward

ACT 250 NOTICE
MINOR APPLICATION #3W0223-5
10 V.S.A. §§ 6001 - 6093

On September 26, 2017, Woodstock Resort Corporation, 14 The Green, Woodstock, VT 05091 filed application #3W0223-5 for a project generally described as constructing approximately 6.6 miles of new mountain biking trails for seasonal use at Suicide Six. The project also includes using an event tent at the top of the ski lift to be used once a month, May to October. The project is located at 247 Stage Road in Pomfret, Vermont.

The District #3 Environmental Commission is reviewing this application under Act 250 Rule 51 -- Minor Applications. A copy of the application and proposed permit are available for review on the Natural Resources Board's web site (<http://nrb.vermont.gov/>) by clicking on "Act 250 Database" and entering the project number "3W0223-5".

No hearing will be held and a permit may be issued unless, on or before **October 19, 2017**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing or the Commission sets the matter for hearing on its own motion. Any hearing request must be in writing to the address below, must state the criteria or subcriteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other interested person must include a petition for party status. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law will not be prepared unless the Commission holds a public hearing.

The members sitting on the Commission for this project are: Tim Taylor, Chair, Suzanne Butterfield and Roderick Maclay

If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the district coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this project and you have a disability for which you are going to need accommodation, please notify us by October 19, 2017.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent they have a particularized interest that may be affected by the proposed project under the 10 criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at Springfield, Vermont this 26th day of September, 2017.

By: 
Linda Matteson, District Coordinator
100 Mineral St., Ste. 305, Springfield, VT 05156-3168
Tel: 802-289-0598 / Linda.Matteson@vermont.gov

E-Notification CERTIFICATE OF SERVICE # 3W0223-5

I hereby certify that I, the undersigned, sent a copy of the foregoing Notice of Application and Proposed Land Use Permit on September 26, 2017 by U.S. Mail, postage prepaid, to the individuals without email addresses, and by electronic mail to the following with email addresses. All email replies should be sent to NRB.Act250Springfield@vermont.gov. **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the NRB District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify the District Office of any email address changes.**

Woodstock Resort Corporation
14 The Green
Woodstock, VT 05091
pjr@woodstockinn.com

Craig Jewett, P.E.
jewett@ottercrk.com

Pomfret Selectboard
Sheila Hopkins, Chair
Jonathan Williams, Selectboard Assistant
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Pomfret Town Planning
William B. Emmons, III, Chair
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VTANGUS@sover.net

Two Rivers-Ottauquechee
Regional Commission
128 King Farm Road
Woodstock, VT 05091
dgish@trorc.org

Elizabeth Lord, Esq./Land Use Attorney
ANR Office of Planning & Legal Affairs
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anr.act250@vermont.gov
elizabeth.lord@vermont.gov
jennifer.mojo@vermont.gov
kevin.anderson@vermont.gov
Karin.mcneill@vermont.gov

District 3 Environmental Commission
100 Mineral Street, Suite 305
Springfield, VT 05156
NRB.Act250Springfield@vermont.gov

FOR INFORMATION ONLY

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North Pomfret, VT 05053
clerk@pomfretvt.us

Public Service Department
Barry Murphy
112 State Office Building
Montpelier, VT 05620-2601
barry.murphy@vermont.gov

Vermont AOT, Utilities and Permits
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brian.mcavoy@vermont.gov
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Agency of Agriculture, Food & Markets
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Ari Rockland-Miller
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VT Dept. of Forests, Parks & Recreation
Nate McKeen, District Forestry Manager
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Springfield, VT 05156-3168
nate.mckeen@vermont.gov

Rich Kirn, Fisheries Biologist
VT Fish & Wildlife Department
Roxbury Lab
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Tim Appleton, Fish & Wildlife Specialist
VT Fish & Wildlife Department
tim.appleton@vermont.gov

Rebecca Chalmers, Wetland Ecologist
VT Dept. of Environmental Conservation
rebecca.chalmers@vermont.gov

Matt Destino, Watershed Management
VT Dept. of Environmental Conservation
matthew.destino@vermont.gov

Terry Purcell, Watershed Management
VT Dept. of Environmental Conservation
terry.purcell@vermont.gov

ADJOINING LANDOWNERS

Ryan & Allison Longfield
10 Gerrish Lane
New Canaan, CT 06840

Fredric & Nancy Merrill
838 Austin Road
South Pomfret, VT 05067

Henry Paine
488 Park Road
Watertown, CT 06795

Missy Middleton
Richard Balsler
Po Box 216
South Pomfret, VT 05067

George & Linda Racicot
18 Elm Street
Woodstock, VT 05091

Charles & Alice Gunderson
PO Box 104
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Christine Pilot
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Dean W. Merrill
2108 Austin Rd
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Appalachian Trail
PO Box 807
Harpers Ferry, WV 25425-0807

By: 
Kim Lutchko
NRB Act 250 Specialist
kim.lutchko@vermont.gov



State of Vermont

LAND USE PERMIT AMENDMENT

This is a **PROPOSED** permit; please submit any written comments to Linda Matteson, 100 Mineral St., Ste. 305, Springfield, VT 05156-3168 or email her at linda.matteson@vermont.gov by **October 19, 2017**.

A permit will NOT be issued until the District Commission receives and reviews the following information:

1. Construction General Permit issued by the ANR-DEC Watershed Management Division.

CASE NO: 3W0223-5
Woodstock Resort Corporation
14 The Green
Woodstock, VT 05091

LAWS/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #3 hereby issues Land Use Permit Amendment #3W0223-5, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 34, Page 262, of the land records of Pomfret, Vermont, as the subject of a deed to the Woodstock Resort Corporation, the Permittee.

This permit specifically authorizes the Permittee to construct an additional 34,800-lineal feet of mountain biking trails with permanent and seasonal boardwalk crossings for wet areas or to cross existing drainageways associated with the existing ski trails. The use of the bike trails will be limited to May through October. This project also approves setting up an event tent at the top of Suicide Six for one event per month from May to October. The event tent will be accessed via the existing chair lift. Set-up crews will use a private drive to the top of the mountain.

The project is located at 247 Stage Road in Pomfret, Vermont.

Jurisdiction attaches because the Project constitutes material change to a permitted development and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittee and its assigns and successors in interest is obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.

1. The project shall be completed, operated and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.

2. All conditions of Land Use Permit #3W0223 and amendments are in full force and effect except as further amended herein.
3. The Permittee shall comply with all of the conditions of the Authorization of Notice of Intent # under Construction General Permit #3-9020 issued on **(date)** by the Agency of Natural Resources, Watershed Management Division.
4. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. A copy of this permit and plans shall be on the site at all times throughout the construction process.
6. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
8. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
9. The events at the top of the mountain shall cease by 11:30 p.m.
10. The Permittee shall comply with Exhibits #001 (Schedule B of Application) for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
11. The Permittee shall implement the Trail Maintenance Plan (Exhibit 005).
12. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
13. The Permittee shall maintain an undisturbed, naturally vegetated, unmowed 50-foot buffer from the edge of wetlands and any disturbed areas.
14. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years

from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

15. All site work and construction of bike trails shall be completed in accordance with the approved plans by **October 1, 2021**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
16. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, Dewey Building, 1 National Life Drive, Montpelier, VT 05620-3201; Attention: Certification.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Springfield, Vermont, this _____ day of _____, 2017.

By _____
Tim Taylor, Chair
District 3 Environmental Commission

Members participating in this decision: Suzanne Butterfield and Roderick J. Maclay

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). Decisions on minor applications may be appealed only if a hearing was held by the district commission.

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

October 19, 2017

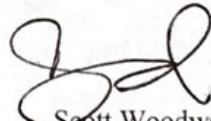
District #3 Environmental Commission

Attn: Linda Matteson, Kim Lutchko
100 Mineral St., Ste. 305
Springfield, VT 05156-3168

On October 18, 2018, the Pomfret Selectboard discussed and voted unanimously to request a hearing regarding Woodstock Resort Corporation's Act 250 minor application, #3W0223-5, "for a project generally described as constructing approximately 6.6 miles of new mountain biking trails for seasonal use at Suicide Six."

During its discussion, the board and public raised a number of concerns related to Act 250 criteria 5(A), 7, 9(K) and 10. The board's concerns center on how the expansion of operations at Suicide Six will impact the South Pomfret Village area, especially at the intersection of Pomfret Rd. and Stage Rd. where the Town already has traffic and safety concerns that need to be addressed. It's unclear whether and how the expansion at Suicide Six will impact conditions. Additionally, the board is concerned about whether the expansion of services will require greater demand on municipal services that may require new investments. Finally, the board, in concurrence with the Pomfret Planning Commission, believes that the application requires greater scrutiny under the nonconforming uses provision of the Town's zoning bylaws.

With these concerns in mind, the Pomfret Selectboard respectfully requests a formal hearing.



Scott Woodward
Pomfret Selectboard

for
By

**ACT 250 NOTICE
APPLICATION #3W0223-5 AND HEARING
10 V.S.A. §§ 6001 - 6093**

On September 26, 2017, Woodstock Resort Corporation, 14 The Green, Woodstock, VT 05091 filed application #3W0223-5 for a project generally described as constructing approximately 6.6 miles of new mountain biking trails for seasonal use at Suicide Six. The project also includes using an event tent at the top of the ski lift to be used once a month, May to October. The project is located at 247 Stage Road in Pomfret, Vermont.

The District 3 Environmental Commission (Commission) issued a minor notice regarding the project on September 26, 2017. Pursuant to the notice, a timely request for a hearing was filed by a statutory party. Issues raised in the request included Criteria 5(A) Transportation, 7 Municipal Services, 9(K) Public Investments, and 10 Local and Regional Plans. The Commission intends to limit the scope of the hearing to these criteria unless that scope is expanded by the Commission at the hearing.

A public hearing has been scheduled for:

Date: October 31, 2017

Site Visit and Hearing: 9:00 a.m. at the Project Site (Suicide Six Ski Area Lodge, 247 Stage Road, South Pomfret). Directions: From Woodstock Village, take Elm Street for 0.3 mi; Elm Street turns right and becomes Rte 12-N (0.9 mi); take slight right onto Pomfret Rd (2 mi); take slight left onto Stage Rd (0.2 mi); ski area is on the left.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.

2. **Adjoining property owners and others:** May participate as parties to the extent they have a particularized interest that may be affected by the proposed project under the ten criteria.

3. **Non-party participants:** The district commission, on its own motion or by petition, may allow others to participate in the hearing without being accorded party status.

If you plan on participating in the hearing on behalf of a group or organization, please bring: 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the hearing, you were duly authorized to speak for the organization; and 3) that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

If you wish further information regarding participation in this hearing, please contact the district coordinator (below) before the date of the first hearing or prehearing. If you have a disability for which you are going to need accommodation, please notify this office at least seven days prior to the above hearing date.

The members sitting on the Commission for this project are: Tim Taylor (Chair), Roderick Maclay, and Suzanne Butterfield

If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the district coordinator as soon as possible, no later than prior to the date of the first hearing or prehearing conference.

A copy of the application and plans for this project is available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov/>) by clicking on "Act 250 Database" and entering the project number #3W0223-5.

Dated at Springfield, Vermont this 20th day of October 2017.

By: 
Linda Matteson, District Coordinator
100 Mineral Street, Suite 305
Springfield, VT 05156-3168
802-289-0598 / Linda.Matteson@vermont.gov

E-Notification CERTIFICATE OF SERVICE # 3W0223-5

I hereby certify that I, the undersigned, sent a copy of the foregoing Notice of Hearing on October 20, 2017 by U.S. Mail, postage prepaid, to the individuals without email addresses, and by electronic mail to the following with email addresses. All email replies should be sent to NRB.Act250Springfield@vermont.gov. **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the NRB District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify the District Office of any email address changes.**

Woodstock Resort Corporation
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Nate Stearns, Esq.
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Jonathan Williams, Selectboard Assistant
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FOR INFORMATION ONLY

Linda Bullard, VT Department of Libraries
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VT Dept. of Forests, Parks & Recreation
Nate McKeen, District Forestry Manager
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Rich Kirn, Fisheries Biologist
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Rebecca Chalmers, Wetland Ecologist
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Matt Destino, Watershed Management
VT Dept. of Environmental Conservation
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ADJOINING LANDOWNERS

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10 Gerrish Lane
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838 Austin Road
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Appalachian Trail
PO Box 807
Harpers Ferry, WV 25425-0807

By: 
Kim Lutchko
NRB Act 250 Specialist
kim.lutchko@vermont.gov

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
OFFICE OF PLANNING**

RE: WOODSTOCK RESORT CORPORATION)	DISTRICT ENVIRONMENTAL COMMISSION # 3
)	
)	APPLICATION # 3W0223-5
)	
)	October 19, 2017

ENTRY OF APPEARANCE

Please enter the appearance of the Agency of Natural Resources (“Agency”), State of Vermont, by and through its staff, Jennifer Mojo, in the above-captioned matter.

COMMENTS

The Agency respectfully requests an extension to provide comments under criterion 1E to allow additional time to reach agreement with the Applicant regarding a riparian management plan for Barnard Brook and reserves the right to request a hearing should an agreement not be reached. The Agency and Applicant have reached agreement with respect to the conditions regarding on mountain stream crossings and deer wintering habitat.

Criterion 1E: Streams

Bret Ladago, Fisheries Biologist with the Agency’s Fish and Wildlife Department, performed a pre-application site visit and reviewed the subsequent application materials. The Department reviews the project for conformance with the [Agency’s Riparian Buffer Guidance](#) (2005)¹.

Barnard Brook

Barnard Brook runs through the base area of Woodstock Resort Corporation’s Suicide Six Ski Area, separating the parking lot from the ski area infrastructure. Woodstock Resort owns approximately 1800’ feet of frontage along the stream. According to the Agency’s Riparian Buffer Guidance, streams the size and nature of Barnard Brook warrant a 50-foot undisturbed top of bank buffer.

Riparian zones protect water quality by shading the stream channel and maintaining cool water, moderate harsh winter temperatures, and provide filtered light reaching the stream which inhibits excessive algal growth. Vegetated riparian zones also filter out sediments, nutrients, trash, pathogens, and toxic chemicals transported by surface runoff and serve as surface water

¹<http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Guidance%20for%20Agency%20Act%20250%20and%20Section%20248%20Comments%20Regarding%20Riparian%20Buffers.pdf>

infiltration zones contributing to maintenance of base stream flows. These areas support aquatic food chains by on which aquatic biota, including fish, are dependent. Riparian areas also serve as sources for large woody materials which influences habitat formation and provides refuge habitat necessary for aquatic biota production and survival while also promoting channel stability.

Barnard Brook is listed on the Agency's [2016 Stressed Waters List](#)² for temperature and sediment. The Brook is listed as the stressors prevent the waters from attaining a higher water quality. During the pre-application site visit, Fish and Wildlife requested a riparian management plan for the areas along Barnard Brook due to the existing encroachments, ongoing activities occurring within the riparian buffer, and to reduce temperature and sediment impacts. The Agency respectfully requests an extension of the comment period to finalize a condition with the Applicant regarding development and implementation of a riparian management plan for Barnard Brook. ANR reserves the right to request a hearing should an agreement not be reached.

On Mountain Crossings

A number of crossings are associated with the bike trail component of the project. The Agency's Riparian Buffer Guidance calls for undisturbed buffers within 50 feet of streams. To limit expansion and encroachment of the trails into buffers near on-mountain streams, the Agency requests the following condition:

- *Vegetation removal associated with any trail maintenance activities (exhibit 005) shall be limited to the trail footprint where trails are within 50 feet of any intermittent stream.*

Criterion 8A – Critical Wildlife Habitat

Tim Appleton, Wildlife Biologist with the Agency's Fish and Wildlife Department reviewed the application materials. The Department reviews the project for conformance with the [Guidelines for the Review and Mitigation of Impacts to White-tailed Deer Winter Habitat in Vermont \(1999\)](#)³ and provided the following comments:

Mapped deer wintering habitat is present on this site. I conducted a site visit on August 7, 2017. Evidence of wintering deer use was masked by the tree harvesting that occurred during the summer, fall and winter of 2016-17. Active tree harvesting was occurring during the site visit on an adjacent parcel south of the ski area property. A low-level of historic browse and prominent recent browse was observed, notably on white ash seedling and saplings. Evidence of repeatedly-used deer trails was also observed. Based on the representations made by the applicant's consultant during the August 7, 2017 site visit, as well as those made in the application submittals, the creation of the mountain bike trails should not involve significant direct impact (physical removal of the habitat) to

² http://dec.vermont.gov/sites/dec/files/documents/wsmd_mp_stressed_waters_list_2016.pdf

³ <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Guidelines%20for%20the%20Review%20and%20Mitigation%20of%20White-Tailed%20Deer%20Winter%20Habitat%20in%20Vermont.pdf>

the wintering cover, as the project involves very limited tree removal. However, the amount of softwood tree removal has not been specifically quantified in any way by the applicant. Trail development appears to involve removal of small trees and brush located in the understory with the occasional overstory tree. It is important that the trail development not result in the fragmentation of the softwood tree canopy cover. Use of the trails is limited to the period of May through October, annually, which is outside of the wintering period for deer (December 15 through April 15). It is important to emphasize that no use of the mountain bike trails occur for any other use during the December 15 through April 15 time period, as use of the trails during this period may displace wintering deer using the habitat and incur further undue stress during a time when energy reserves must be conserved. The applicant must take reasonable measures to ensure unauthorized use of the trails does not occur during the winter months.

The timber management activities on the property are currently being governed by a Use Value Appraisal (UVA) Program management plan. The management plan was reviewed for compatibility with deer wintering habitat management. For the most part, the management strategies identified in the plan are compatible with wintering habitat management with some exception. Much of the ski area property is excluded from management via this plan. However, much of the deer wintering habitat occurs within the excluded area. It is requested that the applicants be required to consult with the VT Fish & Wildlife Department for any future softwood tree removal on the property, whether for timber management purposes or related to the ski area operations. Use of the UVA management plan is not sufficient to govern management of the wintering habitat due to the amount of habitat excluded from the plan.

To protect the wintering habitat from direct and indirect impacts associated with the project, the Agency requests the inclusion of the following conditions in the permit:

- *The bike trails shall not be used between December 15 and April 15. The Permittee shall take all reasonable measures to insure authorized use does not occur during the winter months.*
- *The Permittee shall consult with the Department of Fish and Wildlife for any future softwood tree removal on the property.*

Mr. Appleton may be contacted at tim.appleton@vermont.gov or 802-476-0198 for additional guidance or information regarding habitat management.

Respectfully submitted,
State of Vermont
Agency of Natural Resources

By: 
Jennifer Mojo
Senior Planner
ANR Office of Planning
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E-Notification CERTIFICATE OF SERVICE FILE # 3W0223-5

I hereby certify that I, Jennifer Mojo, Senior Planner, for the Agency of Natural Resources Office of Planning, sent a copy of the foregoing **Agency Comments and Entry of Appearance** dated October 19, 2017, regarding File # 3W0223-5 by U.S. mail, postage prepaid, to the individuals without email addresses and by electronic mail to those with email addresses as indicated:

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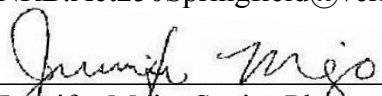
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