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November 29, 2023

Mr. Norman Sutherland
Chairman
Town of Highland Planning Board
4 Proctor Road
Eldred, New York 12732

Re: Camp Fimfo

Dear Chairman Sutherland:

We have reviewed the following public comments received in response to the published draft scoping document for the above project:

1. Comment on Draft Scoping Document, Cherise Barasch, dated 10/27/2023.
2. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Ken Schleife, 10/27/2023.
3. Comment on Draft Scoping Document, Linda DeBoer, 10/27/2023.
4. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Maya Van Rossum, 10/27/2023.
5. Comment on Draft Scoping Document, Penelope Floor, 10/27/2023.
6. Comment on Draft Scoping Document, Stephanie Ulmer, 10/27/2023.
7. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Suzanne Klewan, 10/27/2023.
8. Comment on Draft Scoping Document. Tesla DeBoer, 10/27/2023.
9. Comment on Draft Scoping Document, Bill Coneghen, 10/27/2023.
10. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Franklin Roth, 10/28/2023.
11. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Kathy Dabanian, 10/28/2023.
12. Comment on the Draft Scoping Document, Amy Gable, dated 10/29/2023.
13. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Mike Madden, 10/29/2023.
14. Comment on Draft Scoping Document, Scott Van Gorder, 10/29/2023.
15. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Anie Stanley, dated 10/30/2023.
16. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Colleen Gutwein O'Neal, 10/30/2023.
17. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Dale Goodman, 10/31/2023.
18. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Louise Washer, 10/31/2023.
19. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Linda Smith, 10/31/2023.
20. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Vic Dasaro, 10/31/2023.
21. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Gail Brunner, 11/1/2023.
22. Comment on Draft Scoping Document, Paula Campbell, 11/2/2023.
23. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Fiona Raby, 11/2/2023.
24. Comment on Opposition to Project, Harry Shifman, 11/4/2023.

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25. Comment on Draft Scoping Document, Margie Granese, 11/4/2023.
26. Comment on Draft Scoping Document, Ryan Dodson, 11/4/2023.
27. Comment on Delaware Riverkeeper Network, Linda DeBoer, 11/5/2023.
28. Comment on Draft Scoping Document, Tesla DeBoer, 11/5/2023.
29. Comment on Draft Scoping Document, Marie Carota, 11/6/2023.
30. Comment on Draft Scoping Document, Mary Jones-Mellett, 11/6/2023.
31. Comment on Draft Scoping Document, Sondra Wolferman, 11/6/2023.
32. Comment on Delaware Riverkeeper Network, Erik Freeland, 11/7/2023.
33. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Leslie Hess, 11/7/2023.
34. Delaware Riverkeeper Network Comments on Camp FIMFO Draft Scoping Document, Delaware Riverkeeper Network, dated 11/9/2023.
35. Comment on Draft Scoping Document, Environmental Impact Statement, George M. Janes, 11/9/2023.
36. Comments on Draft DEIS Scoping Document for the Camp FIMFO Modernization and Improvement Project, National Park Service, dated 11/17/2023.
37. Draft Scoping Document, Delaware Riverkeeper Network, dated 11/18/2023.
38. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Nina Burleigh, 11/18/2023.
39. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Amy Yoes, 11/18/2023.
40. Comment on the Draft Scoping Document and Delaware Riverkeeper Network, Karen Matsu Greenberg, 11/20/2023.
41. Press Inquiry, Cloey Callahan, 11/21/2023.
42. Comment on the Draft Scoping Document, Janet Poppendieck, 11/21/2023.
43. Comment on the Draft Scoping Document, John Back, 11/21/2023.
44. Comment on the Draft Scoping Document, Mike Edison, 11/21/2023.
45. Comment on the Draft Scoping Document and Delaware Riverkeeper Network, Maya van Rossum, 11/21/2023.
46. Comment on the Draft Scoping Document, Kerry Engelhardt, 11/22/2023.
47. Comment on the Draft Scoping Document, Julius Robinson, 11/24/2023.
48. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Art Satter, dated 10/27/2023.
49. Comment on Environmental Impact Statement pursuant to SEQRA, Charles Karazia, 10/27/2023.
50. Comment on Draft Scoping Document, Ted Weiner, 11/4/2023.
51. Comment on Draft Scoping Document, Lynette Saunders, 11/5/2023.
52. Comment on Draft Scoping Document and Delaware Riverkeeper Network, Jane Panico, 11/8/2023.
53. Public Comment on Scoping Document RE: Camp FIMFO Resort — For Draft Environmental Impact Statement (DEIS), Ms. Christine Martin, dated 11/20/23.
54. Comment on Delaware Riverkeeper Network, Michael Sussman, 11/21/2023.
55. Comment on the Draft Scoping Document, Jennifer Taylor, NYSDOT, 11/22/2023.
56. Delaware Riverkeeper Network Supplemental Comments regarding Camp FIMFO.

The scoping document acts as a table of contents for the Draft Environmental Impact Statement (DEIS). The Planning Board and its consultants will review the DEIS to ensure that the material presented in the scoping document is included with sufficient detail in the DEIS. The DEIS will not be accepted as complete until the Planning Board feels the information has been presented adequately. Upon determining that the DEIS is complete, the Board will publicly publish and notice the DEIS and open a public comment period. The Final EIS will respond to public comments received on the DEIS and will include all public comments received on the DEIS. Following the acceptance

of the FEIS as complete by the Planning Board, following a review for sufficient responses, the Planning Board will issue a Findings Statement. We advise and recommend the following (in bold) actions regarding the scoping document.

1. **Camp FIMFO Draft Scoping Document Comment Period**

The NYSDEC recommends that a 20-day period for public review is reasonable under most circumstances. We recommend that the period is suitable given that the project has been under review for nearly two years, including 3 public hearings. The public comment period was noticed in the River Reporter and Sullivan County Democrat.

2. **Environmental Impact Statement Comment & Hearing Process.**

The NYSDEC recommends a minimum comment period of 30 days. Public hearings are not required. If a public hearing is held, the comment period is extended another 10 days. Our recommendation is that it is premature to determine public comment and hearing details at this point until the DEIS has been reviewed and accepted as complete.

3. **Complete/Updated Project Review for DEIS**

The project presented in the project description of the Draft Scope is the current project. Previously the project included an additional recreation element that was abandoned a year ago. All plans/permits under review with regulatory agencies represent the current project. The Board asked that it be copied and included on all agency submissions, and this has occurred. The Applicant has confirmed that there is no future phase of the project and that the full project is being sought now. For clarification purposes, future expansion areas for septic systems are required as part of the permitting process. These areas are required and do not indicate future development. They are intended for redundancy in the event a septic fails.

4. **Reasonable Worst-Case Development Scenario**

The project proposed has undergone substantial detailed engineering and is not at a concept phase. Therefore, there is no question that the analysis will consider the reasonable worst-case development for the site.

5. **Site History**

A factual presentation of the site's history (use, development, etc.) is typical in an EIS and assists in understanding the overall context. We recommend that the scoping document is sufficient as is and should not be changed.

6. **No Action Alternative**

NYSDEC requires a No Action Alternative in the EIS, "The no action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action." We recommend that the scoping document is sufficient as is and should not be changed.

7. Tribal Consultation

No tribal consultation was required as part of this project review because no archaeological sites were identified. Furthermore, The New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) was consulted on the project. Per Directive HP-POL-005, NYSOPRHP will engage tribal coordination on projects as needed. The NYSOPRHP reviewed the Phase IA/IB and did not direct tribal consultation nor did they direct further analysis and review. We recommend that the scoping document is sufficient as is and should not be changed.

8. Legal Limitations on undeveloped Project Site areas

No legal limitations are proposed for the undeveloped project site area. We recommend that the scoping document is sufficient as is and should not be changed.

9. Change in cost structure

The RV campground currently offers temporary camping structures at their campsites. The proposed project will increase the number of these types of campsites but will not remove regular tent sites all together. We defer to the Planning Board Attorney, but the change in cost does not appear to be under the purview of the Planning Board. We recommend that the scoping document is sufficient as is and should not be changed.

10. Floodplain, aquatic, steep slopes and natural resource impacts

The scope addresses these in Section III C, E and H. Information is also available as part of the site plan set. We recommend that the scoping document is sufficient as is and should not be changed.

11. Invasive species

Construction protocols, such as those that protect against invasive species, will be implemented at final site plan approval. Additionally, the Stormwater Pollution Prevention Plan and Erosion and Sediment Control practices will assist in these efforts. We recommend that the scoping document is sufficient as is and should not be changed.

12. Aquatic and mini golf area

a. Location in floodplain

This is addressed in Section III E.

b. Use of chemicals

This is addressed in Section II B and III E.

c. Lighting

This is addressed in Section II B and III B and is included in the site plan set.

d. Existing habitat

This is addressed in Section II A and III C, E, and H.

e. Water usage

This is addressed in Section III D and within the site plan set.

We recommend that the scoping document is sufficient as is and should not be changed.

13. Decommissioning of septic systems

The State's Department of Health (NYSDOH) has purview over the sanitary infrastructure on site. As part of the permitting process septic systems identified for disuse will be decommissioned per standard protocol. We recommend that the scoping document is sufficient as is and should not be changed.

14. Parking

The proposed project includes a total of 286 parking spaces. This information is provided in Sections II B and III I and F. We recommend that the scoping document is sufficient as is and should not be changed.

15. Vehicular and roadway improvements and maintenance

This information is provided in Sections II B and III C and I. Site roadways for the seasonal use already exist for the most part. We recommend that the scoping document is sufficient as is and should not be changed.

16. Tree removal

This information is provided in Sections II B and III C and H. We recommend that the scoping document is sufficient as is and should not be changed.

17. Operation times

This information is provided in Sections II B. No extension beyond the current operating season is proposed. We recommend that the scoping document is sufficient as is and should not be changed.

18. Site Layout – buildings

This information is provided in Sections II B. We recommend that the scoping document is sufficient as is and should not be changed.

19. Impervious coverage, stormwater management

This information is provided in Sections II B and III F. The project includes green infrastructure techniques. We recommend that the scoping document is sufficient as is and should not be changed.

20. Domestic and sanitary wastewater engineering and impacts

This information is provided in Sections II B and III D and G. Information is also provided in the site plan set. We recommend that the scoping document is sufficient as is and should not be changed.

21. Community services and taxes

The project includes no schoolchildren. Impacts to community service providers requires consultation with providers and is discussed in Section III J. We recommend that the scoping document is sufficient as is and should not be changed.

22. Traffic

There is no increase in the total number of campsites and the occupancy of the new units is less than the tent campsites. Potential impacts to traffic are discussed in Section III I. We recommend that the scoping document is sufficient as is and should not be changed.

23. Soil Investigations

Soil investigation data was provided for all septic system locations. This information will be discussed in Sections III C and G. We recommend that the scoping document is sufficient as is and should not be changed.

24. Land Use Impacts, Community Character Impacts, Visual Impacts

Compatibility issues are discussed in several sections of the scope, including Sections III A and B. We recommend that the scoping document is sufficient as is and should not be changed.

25. Barnes Waste Site

This issue was fully addressed and removed as a potential issue in the Environmental Assessment and is under the purview of the NYS Department of Environmental Conservation (NYSDEC). We recommend that the scoping document is sufficient as is and should not be changed.

26. Pedestrian Safety

Pedestrian safety is addressed in Section II B and III I. We recommend that the scoping document is sufficient as is and should not be changed.

27. Bald Eagle Impacts

Impacts to Bald Eagles is addressed in Section III H. We recommend that the scoping document is sufficient as is and should not be changed.

28. Aquatic Impacts

The project involves no filling or encroachment in aquatic resources. Potential impacts from stormwater and erosion are discussed in Sections II B and III F. We recommend that the scoping document is sufficient as is and should not be changed.

29. Alternative fuel sources

Alternative fuel sources are not proposed as part of the project. We recommend that the scoping document is sufficient as is and should not be changed.

30. Tax Benefits

This issue was fully addressed in the Environmental Assessment and is not under the purview of the Planning Board. We recommend that the scoping document is sufficient as is and should not be changed.

31. Food Service

This information is provided in Section II B. The project does not include a public restaurant. We recommend that the scoping document is sufficient as is and should not be changed.

32. Landscaping

This information is provided in Section II B. We recommend that the scoping document is sufficient as is and should not be changed.

33. National Park Service – Substantial Conformance Finding

This review is discussed in Section III A. We recommend that the scoping document is sufficient as is and should not be changed.

34. Campsite upgrades (change from Tent to RV)

This information is provided in Section II B and III A. The scope should be revised to include a differentiation between RV pads (for guests to bring their own RVs) and Park Model RVs and other site types where the RVs remain on the property year-round for the proposed project.

35. Cumulative Impacts

The scope includes consideration of the future without the proposed project which will identify potential cumulative impact issues, which are then folded into the potential impacts from the proposed project discussions. We recommend that the scoping document is sufficient as is and should not be changed.

36. Defining Terms

The scope discusses the project according to the applicable defined terms (Chapter 190, recreational vehicle and temporary dwellings) as stipulated in the Town's zoning regulations, see Section II A. We recommend that the scoping document is sufficient as is and should not be changed.

37. Lighting

This is addressed in Section II B and III B and is included in the site plan set. We recommend that the scoping document is sufficient as is and should not be changed.

38. Required approvals

This information is provided in Section I C. We recommend that the scoping document is sufficient as is and should not be changed.

39. Solid waste and air quality

A discussion of existing and future solid waste conditions, including potential impacts, is not included because this subject was adequately addressed in a prior environmental review. We recommend that the scoping document is sufficient as is and should not be changed.

40. Emergency Management

Emergency services, including flood hazard preparation and action plan, are included in Sections III E, I and J. We recommend that the scoping document is sufficient as is and should not be changed.

41. Significant environmental conditions and resources

Significant environmental conditions and resources are discussed in Section III. We recommend that the scoping document is sufficient as is and should not be changed.

42. Prior Project information (e.g., studies, analyses)

Prior information provided to the Planning Board and Involved/Interested Agencies will be included in the EIS. The scoping document is not written in exhaustive detail, but the DEIS will be reviewed to ensure this information is present. We recommend that the scoping document is sufficient as is and should not be changed.

43. Project Description

The Project Description is meant to provide detailed information about the proposed project. Section III will provide information on potential impacts from the proposed project. We recommend that the scoping document is sufficient as is and should not be changed.

44. Future without the proposed project

The future without the proposed project or No-Action Scenario or Condition is defined in the SEQR regulation as: Scenario of the future without the proposed action, used as a baseline against which incremental changes generated by an action are evaluated in environmental review. We recommend that the scoping document is sufficient as is and should not be changed.

45. Upper Delaware River

The scope should be revised to accurately refer to the River as the Upper Delaware River.

46. Occupancy

The scope should be revised to specify occupancy at each campsite currently and occupancy at the campsites following the proposed project. To the extent it is available, historic occupancy information should be provided as well.

47. Visual Simulations

The existing conditions work discussed in Section III B will assist the Planning Board in determining locations requiring additional analysis. The Planning Board will need to work with the Applicant by providing them a list of locations from which additional simulations should be provided, as necessary. It would be premature to provide this list now. We recommend that the scoping document is sufficient as is and should not be changed.

48. Historical groundwater Issues

Over the course of the nearly two-year project review, no discussion of historic groundwater supply issues has been raised. We recommend that the scoping document is sufficient as is and should not be changed.

49. Historic Flood Events

The scope includes the pertinent information and methodology for determining flooding impacts. A recitation of prior historic flooding events is not necessary. We recommend that the scoping document is sufficient as is and should not be changed.

50. Regulated species

This information is provided in Section III H. The project has undergone consultation with the NYSDEC to determine requirements for the impact review and the methodology was determined by NYSDEC. We recommend that the scoping document is sufficient as is and should not be changed.

51. NYS Route 97

The scope should be revised to include information about NYS Route 97 as State Bike Route 17 and as an evacuation route.

52. NYS Route 97 and NYS Route 55

The scope provides methodology for assessing potential traffic and parking congestions issues and requests consideration of solutions. This information can only be determined after information and data is collected. We recommend that the scoping document is sufficient as is and should not be changed.

53. Demographics and Community Services

The use is seasonal and camper stays are temporary. Community service providers will still attend to the campsites. Demographics are not included because this is not a substantive issue as there are no potential schoolchildren or full-time residents. We recommend that the scoping document is sufficient as is and should not be changed.

54. Historic and Cultural Resources

The historic and cultural resource analysis used methodology approved by the NYS Office of Parks, Recreation and Historic Preservation. The disturbance to the site is largely in previously disturbed areas. We recommend that the scoping document is sufficient as is and should not be changed.

55. Noise

The analysis uses an industry standard sound propagation modeling software to determine sound levels from the future camp. We recommend that the scoping document is sufficient as is and should not be changed.

56. Precedence

An approval of this project is not binding on future projects as the use is a defined term in the Town's zoning regulations that is permitted at this site. Therefore, no new precedent would occur as the project follows the existing law. We recommend that the scoping document is sufficient as is and should not be changed.

57. Growth Inducing Aspects

Section VII of the scope addresses growth inducing aspects. We recommend that the scoping document is sufficient as is and should not be changed.

58. New York State's 2019 Climate Leadership and Community Protection Act.

A discussion of how the project would align with the New York State 2019 Climate Leadership and Community Protection Act is not included because the project does not have significant energy impacts. We recommend that the scoping document is sufficient as is and should not be changed.

59. Existing campsite types

The scope should be revised to include current number of tent, pull-in RV, park model RV, etc. sites.

60. Community Character/Visual

The scope should be revised to include the historic presence of campsites on site, including the type of campsite (e.g. tent vs RV pad vs park model RVs,) and what year(s) they were added to the project site to the extent known.

61. Removal of Park Model RVs off site during off-season

This is not a feasible option for the Applicant to pursue because it cannot be addressed on site or within a reasonable distance. We recommend that the scoping document is sufficient as is and should not be changed.

62. Pool Filling and Draining

The scope should be revised to include a description of pool filling and draining procedures, including source of water and draining outlet(s).

63. Groundwater mounding below the proposed stormwater basin(s).

The scope should be revised to discuss soil conditions and soil test information relative to proposed stormwater management practices.

64. D&H Canal

Information about the Canal will be included as part of Section III K. Section III C includes protective construction measures. We recommend that the scoping document is sufficient as is and should not be changed.

65. Interpretive Signage D&H Canal

The Applicant is not proposing interpretive signage for the D&H Canal. NYS Office of Parks, Recreation and Historic Preservation determined the proposed project would have no impact on the D&H Canal. We recommend that the scoping document is sufficient as is and should not be changed.

66. Minimum area per campsite

This information is provided in Section III A as derived from Town Zoning Chapter 190-25. We recommend that the scoping document is sufficient as is and should not be changed.

67. River Riders

Information on canoe livery operations is included in Section II B and III I. We recommend that the scoping document is sufficient as is and should not be changed.

68. Shoreline erosion

Shoreline erosion has not been raised as an issue and is not a current concern. We recommend that the scoping document is sufficient as is and should not be changed.

69. Excavation

Information is provided in Section II B and III C. We recommend that the scoping document is sufficient as is and should not be changed.

70. New employment

A discussion of new employee salaries and housing is not included because this is not a substantial issue due to the seasonal operation of the facility and the Planning Board has no purview over employee salaries. We recommend that the scoping document is sufficient as is and should not be changed.

71. Environmental Monitoring

The project is subject to several permits and approvals by regulatory agencies. As such, the project will not be built or become operational without these permits and approvals. To the extent environmental monitoring is required, this will be determined by the authority regulated the resource. The Planning Board has no purview over how other agencies enforce the conditions of their permits or approvals. We recommend that the scoping document is sufficient as is and should not be changed.

72. Noise complaints

Noise is regulated by Town Code Section 190-39. The scope includes a noise analysis and discussion of the project's compliance with the Noise code. We recommend that the scoping document is sufficient as is and should not be changed.

73. Safety concerns, drugs, alcohol and firearms

The scope should be revised to include a discussion of the facility's policies on safety (including river), drugs, alcohol and firearms.

74. Native Landscaping Species

The scope should be revised describe whether landscaping uses native species.

75. Animal control and pesticides

A discussion of animal control and pesticides should not be included in the scope because there is no addition of campsites and the area of disturbance is generally within areas already disturbed. We recommend that the scoping document is sufficient as is and should not be changed.

76. Larger Habitat and Species Analyses

A discussion and analysis of impacts to non-regulated species and habitat should not be considered because the area of disturbance is generally within areas already disturbed. We recommend that the scoping document is sufficient as is and should not be changed.

77. Water quality

Measures to control potential impacts to water quality are discussed in Section III C, E, F, and G. We recommend that the scoping document is sufficient as is and should not be changed.

78. Fire Danger

A discussion of fire danger should not be included in the scope because it has not been raised as a significant issue by emergency service personnel, nor does the area have a known issue with fire. All facilities will meet applicable requirements for fire protection. We recommend that the scoping document is sufficient as is and should not be changed.

79. Sustainability practices

The scope should be revised to include a description of any sustainability practices used in operation and construction of the facility.

80. Decommissioning Plan

A decommissioning plan should not be included in the scope because the new park model RVs are not affixed to the ground. We recommend that the scoping document is sufficient as is and should not be changed.

81. Laundry facility

Water usage is described in Section II B and Section III D and G. Electrical demand was analyzed in the environmental assessment and the project is not a significant source. We recommend that the scoping document is sufficient as is and should not be changed.

82. Effects of disadvantaged communities, including cause or increase in a disproportionate pollution burden on a disadvantaged community

The scope should be revised to include a discussion of the effects of any proposed action on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden on a disadvantaged community.

83. Rename project

The project is known generally as Camp Fimfo, but has regularly been submitted by the Applicant under the name Camp Fimfo Modernization and Improvement Project. Changing the name would disrupt the record and is not necessary given it is still known as Camp Fimfo. We recommend that the scoping document is sufficient as is and should not be changed.

84. Project records

The Scope should be revised to indicate the appendix for correspondence will include correspondence from involved and interested parties. Other project record information is available at the Town.

85. Promises and Unofficial Correspondence

The scope outlines the proposed project and potential impacts from the proposed project in addition to other information. To the extent that the Applicant commits to something not included as part of the project at this time, it will be disclosed as part of the EIS process. Cataloguing of unofficial correspondence is not the role of the EIS. We recommend that the scoping document is sufficient as is and should not be changed.

86. Public comments in DEIS

Public comments in response to the DEIS will be included in the FEIS. Public comments are not included in the DEIS. We recommend that the scoping document is sufficient as is and should not be changed.

87. Water usage data

The NYS Department of Health has purview over the water supply treatment and distribution design and has not requested this data. No additional wells are proposed. The Applicant is not seeking a waiver on sanitary design requirements for volumes. For these reasons, we recommend that the scoping document is sufficient as is and should not be changed.

88. Property value

Property value is not considered an environmental factor considered under SEQR. For these reasons, we recommend that the scoping document is sufficient as is and should not be changed.

89. Redevelopment criteria for stormwater design

The rationale is discussed in Section III F. We recommend that the scoping document is sufficient as is and should not be changed.

90. Compaction affecting stormwater management

Information about the effectiveness of stormwater management practices proposed for the site are detailed in the Stormwater Pollution Prevention Plan (SWPPP), which will be an appendix to the DEIS. We recommend that the scoping document is sufficient as is and should not be changed.

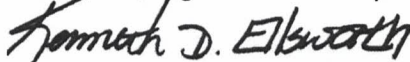
91. Segmentation

There is no information to date that indicates there is another plan for the site other than what has been proposed. We recommend that the scoping document is sufficient as is and should not be changed.

We trust we have responded to your request. If you have any questions, please contact our office.

Respectfully,

Keystone Associates
Architects, Engineers and Surveyors, LLC



Kenneth D. Ellsworth, P.E.
Managing Member

KDE:las



SULLIVAN COUNTY
PARTNERSHIP FOR ECONOMIC DEVELOPMENT

November 14, 2023

Hon. Norman Sutherland, Chairman
Town of Highland Planning Board Members
Town of Highland Town Hall
4 Proctor Road
Eldred, NY 12732

Re: Camp FIMFO Project Application and EIS

Dear Mr. Sutherland and Board Members,

Please accept this letter asking that you accept the scoping document for the Camp FIMFO application as crafted and begin the statutory process of accepting and reviewing the various elements in the scoping document as part of the EIS process. It is our opinion, given a 30-year history of facilitating projects through Sullivan County of all manner of size and scope that your effort to give a "Hard Look" to this project surpasses any project we have ever been associated with throughout that timeline. As you and your board members have stated, the applicant has been patient, forthcoming, and cooperative with every and all requests the board has made. Further, during this 22-month process, the applicant has had to accept inordinate extensions of review, public hearings, and other requests not typical of a project this size, in the interest of working with the Town to ensure that its project meets the approval of the board and the community.

While we of course understand the concerns expressed by community members and the hesitation by you as a result, prudence dictates that the process move along efficiently so that you can obtain the necessary additional information you need to make your decision but with a reasoned approach given the transparency and the comprehensive aggregation of data the Camp FIMFO professional team has provide. Again, we ask that you recognize what has been completed to date and proceed without further unnecessary delay in order to bring a successful end to this process and hopefully welcome a fresh new successful version of the Kittatinny site under its FIMFO brand.

Respectfully submitted,

Marc A. Baez
President/CEO



United States Department of the Interior
NATIONAL PARK SERVICE
UPPER DELAWARE SCENIC AND RECREATIONAL RIVER
274 River Road
Beach Lake, Pennsylvania 18405



IN REPLY REFER TO:

10.B (UPDE-4870)

November 17, 2023

Ms. Monica McGil
Planning Board Secretary, Town of Highland
4 Proctor Road
Eldred, NY 12732

RE: Comments on Draft DEIS Scoping Document for the Camp FIMFO Modernization and Improvement Project

Dear Ms. McGil,

The National Park Service (NPS) is submitting comments on the draft scoping document for the SEQRA Draft Environmental Impact Statement (DEIS) for the Camp FIMFO Modernization and Improvement Project. This DEIS refers to the proposal from Northgate Resorts to renovate a 223-acre riverside camping and livery operation into a Camp Fun Is More Fun Outside (FIMFO) resort with park model recreational vehicles and expanded amenities.

The Wild and Scenic Rivers Act (PL 95-625, Section 704) assigns NPS the responsibility to protect lands within the Upper Delaware Scenic and Recreational River Corridor, and we want to convey our strong concerns about the proposed project. Please accept the following submission of written comments.

The Upper Delaware Scenic and Recreational River

Upper Delaware Scenic and Recreational River was established under the Wild and Scenic Rivers Act (Public Law 95-625) in 1978 to preserve the Upper Delaware River in its free-flowing condition and to protect the outstanding resources for which it qualified for inclusion in the National Wild and Scenic Rivers System. These Outstandingly Remarkable Values (ORVs) include a free-flowing river, exceptional water quality, as well as ecological, recreational, scenic, geologic, and cultural values.

The 1986 Upper Delaware Scenic and Recreational River Management Plan (RMP) stands as the agreement between the United States Government and the communities affected by designation of the Upper Delaware River for carrying out the provisions of the enabling legislation. To preserve the integrity of the ORVs, the enabling legislation requires that within the corridor boundary the NPS review all relevant local plans, laws, ordinances, and significant projects to determine whether they substantially conform with respect to the Schedule of Compatible, Conditional, and Incompatible Land Uses set out in the Secretary's Land and Water Use Guidelines (Guidelines), the substance of the RMP, and the substance of each of the principles and objectives set out in the Guidelines and the RMP.

NPS Comments and Concerns

Our key comments are included below, with additional specific and technical comments included in Appendix A.

Lack of specificity and project background detail

Recognizing that an important purpose of the scoping document is to focus the DEIS on the potentially significant adverse environmental impacts of the project, and to eliminate non-significant and irrelevant issues, the NPS notes the following major project background elements are missing throughout the current scoping document and request they are added.

The Town of Highland, involved and interested agencies, and the public have been considering the project since at least 2021, resulting in an established record of concerns. We recommend that the Scoping Document include a history of the project, the issues raised, and subsequent modifications. We also recommend that it reference existing materials that have already pointed to potential project impacts, such as the Environmental Assessment Form (EAF) Part 2, the NPS Substantial Conformance Review, relevant Highland Planning Board minutes, and public comments.

NPS detailed our concerns in a Significant Project Substantial Conformance Review issued July 2023. Key issues included the potential impacts from the increased intensity of land use on community character, visual character, and water quality stemming from the proposed conversion of tent campsites to sites with the permanent installation of park model recreational vehicles. The Draft Scoping Document does not mention this concern or utilize the term “Park Model Recreational Vehicle” (PMRV).

Because the shift to PMRVs is a driver of potential project impacts, we request the Draft Scoping Document and DEIS qualify all mentions of campsites with the type of accommodation being provided, whether tent, traditional RV, PMRV, etc. This level of specificity is necessary to understand the nature and extent of proposed changes to the facility. PMRVs are widely considered a form of “tiny house” and commonly marketed as second, retirement and starter homes, despite their Recreational Vehicle Industry Association certification as temporary camping structures.

Another significant concern raised in the NPS Substantial Conformance Review is the installation of new septic systems, with each of the 283 PMRV being connected to onsite water and septic. We recommend that a thorough analysis of wastewater impacts be a key topic in the DEIS, and that analysis include the number of proposed new hookups and systems. It’s important that this detailed information be incorporated into the Draft Scoping Document to provide a sense of the project’s scale and the potential impacts.

Clarification of roles, applicable public policy, and exploration of more alternatives

The list of required permits and approvals on page 3 lists “Upper Delaware Council and National Park Service Substantial Conformance.” The Significant Project **Substantial Conformance Review is issued only by the NPS**, following receipt of a recommendation from the Upper Delaware Council (UDC).

The Draft Scoping Document states that the Substantial Conformance Review has been completed, implying approval or conformance. As the purpose of the scoping document is to highlight issues and areas of concern, it is important to note the NPS finds **the project does not satisfy the requirements of substantial conformance**. We recommend the DEIS explore options for bringing the project into substantial conformance with the RMP and the Secretary of the Interior’s Land and Water Use Guidelines. NPS suggests exploring other alternatives such as upgrading the campground to maintain the traditional RV and tent camping use (e.g., road improvements, parking pads, amenities), and eliminating individual utility hook-ups at each campsite.

When considering the project in relation to the 1986 Upper Delaware RMP, NPS requests the DEIS assess the implications of the proposed PMRV installations under the RMP definition of an RV Park for Non-Transient Use. We also request the DEIS consider the potentially applicable definitions and use categories from the Town of Highland code, including the specific definitions for Recreational Vehicles, Dwelling Unit, Mobile Home, and Motel/Hotel. A discussion on whether the permanently installed

PMRVs can or will be considered independent motel-type units, which are limited to 12 or fewer in the Town of Highland and throughout the corridor in the RMP, must be included in the DEIS.

Wild and Scenic River Impacts

Major changes to the viewshed, nightscape, geology, or watershed could diminish the scenic corridor, the recreation economy of the area and the recreation experience. We recommend the DEIS discuss how the project is going to sufficiently protect the scenic, recreational, ecologic, and geological outstanding resource values for which the Upper Delaware Scenic and Recreational River was established to uphold in cooperation with local municipalities including the Town of Highland.

We also recommend the scoping document include a section on how the DEIS will address the shift from tent to PMRV accommodations, and how that shift will impact the character of the area and the visitor experience. The potential impacts from the proposed clearing must also be identified. Since beginning the review of this project, the NPS made multiple requests for more detail on the clearing and impervious surface calculations. The DEIS will be improved by including this detailed methodology and potential impacts.

We also recommend the DEIS indicate the scale of the lighting impacts, including the net change in artificial lighting and discuss efforts to mitigate interior and exterior light pollution. Night Skies is a key resource for the NPS and other groups; as such it is another important aspect to consider when evaluating overall viewshed impacts. A lighting plan was previously submitted, though it is not mentioned in the Draft Scoping Document. Given the proposal anticipates adding 283 PMRVs and new amenities, presumably all with lights, the potential impact to the night skies in this area is likely to be high. Lighting affects the health of humans and other organisms; and in this corridor, lighting is known to influence and impact the behavior of American eels and migrating birds, such as bald eagles.

As noted in the NPS Substantial Conformance review, the applicant provided a hydrologic and hydraulic (H&H) analysis to understand the anticipated volume and behavior of the water during a flooding event. The analysis provided a basic assessment of the project's potential flood hazard risks and impacts within the Delaware River floodplain. At a minimum, we suggest the DEIS reference the H&H analysis.

The NPS recommends that to ensure a more robust assessment of the impacts on the floodplain, the watershed, and potential sediment release into the Upper Delaware River, the H&H analysis can be strengthened by using more recent data and providing additional detail. The cross-section data used in the analysis is based on geomorphic info that is at least 14 years old, and the FEMA 100-year flood event information is from 2006. The previously provided maps were missing basic elements, such as a scale, legend, and appropriate spatial coordinates associated with line features. The current best practice is to produce 2-d models, rather than the 1-d model provided, which is achievable given publicly available data.

Finally, we recommend the scoping document and DEIS include a discussion of other compliance required for the proposed project. For example, will the project require a U.S. Army Corps of Engineers permit, and if so, that will potentially trigger additional compliance requirements under the National Environmental Policy Act, National Historical Preservation Act, and Section 7 of the Wild and Scenic Rivers Act.

Conclusion

Camp FIMFO is the largest proposed development of its kind along the Upper Delaware River, and the NPS has serious concerns with this proposed project and its potential impact on area resources. In our

July 2023 review, NPS determined this project does not meet the requirements for substantial conformance with the RMP. NPS also found the proposal does not maintain or conserve the essential character of the corridor, and it violates the intent of temporary or transient use by permanently installing park model RVs and utility infrastructure on the landscape.

The Upper Delaware Scenic and Recreational River contributes to a booming recreation economy in the State of New York. The NPS supports smart and sustainable development that will enhance the quality of life for residents as well as help us fulfill the mandate of Congress to preserve our resources for the benefit of today's visitors and future generations.

We look forward to continued engagement on this project as it proceeds through the process of New York State's Environmental Quality Review Act. Thank you for the opportunity to comment, and please contact me at Lindsey_Kurnath@nps.gov or 570-729-8251 x2225 with any questions.

Sincerely,



Digitally signed by LINDSEY
KURNATH
Date: 2023.11.17 11:00:45 -05'00'

Lindsey Kurnath
Superintendent
Upper Delaware Scenic & Recreational River

cc:

Upper Delaware Council Leadership and Staff, including Andy Boyer, Highland Representative
Caren LoBrutto, LaBella Associates
Scott Campbell, Northgate Resorts
Norm Sutherland, Highland Planning Board
Heather Jacksy, Sullivan County
David Kovach, Delaware River Basin Commission
Maya K. van Rossum, Delaware Riverkeeper Network

I. COMMENTS ON THE COVER PAGE, INTRODUCTION & GENERAL APPROACH

1. Preparation of the document/Cover details

The Cover of the Draft Scoping Document must identify the primary preparer and contributing consultants. We recommend it also identify who is managing the EIS process for the Town (i.e., who will prepare the final Scope, determine when the Draft EIS is adequate for public review). The date of the draft version that the town is currently circulating would be important note for readers.

Consider extending to a 60-day scoping period. Extended scoping periods are recognized as helpful for particularly complex or sensitive projects, and frequently necessary to ensure that the final scope addresses all issues and study specifications, as well as instills public confidence.

List the Interested and Involved Agencies, including the National Park Service, in the Scoping Document to promote transparency, facilitate review, and ensure agency representation.

The current Draft Scoping Document is missing elements called for in the SEQRA Handbook, including but not limited to:

- Identification of the significant environmental conditions and resources that may be affected by the project;
- Identification of issues not to be addressed in the DEIS, and why. For example, the Scoping Document does not address emergency management, air quality, or solid waste; is this because there are no outstanding concerns about them?
- Lists of available sources of information, such as the Hydrologic & Hydraulic study and photo simulations;
- Specification of study methods or models to be used to generate new information;

2. Proposed Project Description

Focus the Project Description of the DEIS by highlighting impacts of concern and consensus. The description is missing significant information previously raised, discussed, modified, and adjudicated since consideration of this project began in 2021.

In addition, the Project Description must quantify the proposed development, such as noting the square footage of new structures as well as those being demolished or removed, the amount of new impervious surface, size of area to be cleared, etc.

3. Future Without the Proposed Project

The scoping document must provide the assumptions to be used in analyses of a “No Action” scenario.

4. Document Language

In several instances the Draft Scoping Document refers to the Delaware rather than Upper Delaware. We recommend the document adopt the term Upper Delaware, which is standard usage for referencing the area. The project is situated in the Upper Delaware Scenic and Recreational River unit of the National Park System, and New York’s Upper Delaware Scenic Byway. The 1986 Upper Delaware River Management Plan (RMP) only applies to the area within the NPS Upper Delaware designation.

Clarifying sections intended to identify and evaluate impacts will fulfill the purpose of the DEIS to focus on known impacts per SEQRA guidelines. In some cases, the current document appears it will limit these discussions to aspects of the project instead of impacts.

5. Site History and User Demographics

The Draft Scoping Document notes that the project site has hosted a campground and recreational activities since 1941. Utilize data in the scoping document and DEIS from this long history, when available. For example:

- What has been the historical level of occupancy and use, both in terms of site rentals and the number of visitors at the sites? What impacts have been observed over time?
- How is usage projected to change with the proposed modernization? How were the proposed new occupancy limits calculated?
- What are the existing deficiencies in waste and stormwater management that the project claims it will address? How can that information support analyses of anticipated impacts?

II. SECTION BY SECTION COMMENTS

1. Section II, DESCRIPTION OF THE PROPOSED PROJECT, pages 4-6
 - Does the Impervious Reduction of II.B.15 relate to the demolition of ancillary structures, or an overall reduction of impervious surfaces on the site?
 - II.B.21 must address all proposed changes to vehicular circulation, not just emergency access.
2. Section III. EXISTING CONDITIONS, POTENTIAL IMPACTS AS A RESULT OF THE PROPOSED PROJECT AND PROPOSED MITIGATION, pages 6-17
 - A. Land Use, Zoning and Public Policy, pages 6-9
 - The discussion of Zoning Regulations must include all potentially applicable definitions and use categories from the Town of Highland code (A.2.a.(1) and (3)), including Dwelling Unit, Mobile Home, and Motel/Hotel. Particular attention must be given to how the PMRVs meet the two definitions of Recreational Vehicle given in the code, sections 190-7 and 70-17. We recommend the discussion consider questions related to the two definitions such as whether the units may be towed by a light duty truck, whether their transportation will require special permits (i.e., for a wide-load) and/or professional handling, both of which could hinder being deemed “highway-ready.” It must address how the marketing of PMRVs as low-cost housing and permanent living quarters relates to the Town definition that states “A recreational vehicle shall not be designed primarily for use as a permanent dwelling...” Additionally, the discussion must address whether the permanently installed PMRVs can or must be considered motel units.
 - We recommend the zoning analysis focus on issues of density as well as use, considering the project in the context of the Town’s 12-unit limit for motels, and of comparable residential density limits.
 - We further recommend that the consideration of impacts explore the precedent setting potential of the project.
 - B. Community Character/Visual Impacts, page 9
 - The scope must call for the DEIS to address how the shift from tent to PMRV accommodations will impact the character of the area and the visitor experience.
 - This section must identify and discuss any previous work to evaluate visual impacts of the project, such as the photo simulations prepared for the project application and work by the Upper Delaware Scenic Byway (UDSB), Sullivan County, and local civic groups to identify scenic areas in the vicinity.

- The number and location of publicly accessible areas to be evaluated for visual impacts must be specified in the scope. They must be selected with input from entities whose mission involves protection and enhancement of the area's scenic character, specifically the NPS, UDC, and UDSB.
 - From previously submitted plan sets, clearing will be 14.6 acres (6.5%) and impervious surface coverage is expected to be 21.6 acres (9.72%). The DEIS scope must specify and illustrate where clearing will occur, describe the methodology used for arriving at these totals, and identify impacts based on these details.
 - Discuss landscaping as both a project impact and as a means of potential mitigation.
- C. Geology – Soils, Topography and Steep Slopes, page 10
- Note whether the available information will sufficiently address known concerns, as well as identify previous analyses including soil tests and the H&H analysis. If necessary, the scoping document must detail what additional testing and research may be needed.
- D. Groundwater Resources and Water Supply, pages 10-11
- We recommend existing conditions for the water resources section include identification of any historical water issues on the site or in the vicinity.
 - Potential impacts must include the long-term impacts of multiple new septic systems and increased use on the groundwater beyond the construction phase.
- E. Aquatic Resources and Floodplains, pages 11-12
- Existing Conditions section must acknowledge the history of flooding in the area and identify past patterns and impacts.
- F. Stormwater Management, pages 12-13
- Addition detail is needed in this section, including stormwater volumes and potential contaminants, anticipated increase in stormwater runoff, methods to retain runoff, etc.
 - The mitigation section must identify project modifications that would reduce runoff and allow for a greater reliance on “green infrastructure,” as well as details on those methods.
- G. Sanitary Sewage, pages 13-14
- We recommend the Draft Scoping Document specify that the methodologies and assumptions used in estimating wastewater quantities will be explained.
 - Discussion of the proposed septic systems must address potential impacts as well as benefits. The risks for excess nitrogen to move through groundwater over time, potentially reach the Upper Delaware River, must also be assessed.
 - New system performance, life expectancy, and maintenance must be addressed.
- H. Vegetation and Wildlife, pages 13-14
- This is another instance where the Draft Scoping Document fails to acknowledge the existence of, and reference, available relevant information. The EAF has identified species of concern; both the document and the potential impacts identified must be referenced in the scope.
 - Reiterate clearing plan details, as clearing will have the most direct impact on habitat.
 - The removal of all mature trees must be considered because of the trees' value to habitat and scenic quality. The scope focuses only on White Pines.
 - The proposed inventory threshold of 25” at DBH will eliminate many mature trees from consideration. The DEIS must include an inventory of all trees with a minimum size of 15” DBH to provide a fuller understanding of the impacts of the proposed clearing.

- Impacts to vegetation and wildlife impacts must be considered generally, and not be narrowly tailored to protected species and designated Significant Natural Communities.
- I. Traffic, Transportation, Pedestrians and Transit, pages 14-15
- We recommend shifting from the proposed qualitative descriptions of conditions to quantitative data. Identify existing sources of traffic data to cite in the scope.
 - The Draft Scoping Document proposes to use existing site-generated volumes to assess impacts on traffic conditions. Please provide background for the assumption that the project will not increase traffic above existing conditions, and substantiate that with a completed traffic study.
 - Both the Existing Conditions and Impacts sections must incorporate safety. The DEIS must include an analysis of available accident data for the vicinity. Prevailing speed and design speed must be discussed as well as posted speed limits.
 - The use of Route 97 as an evacuation route must be discussed, as well as its role as a NYS Bicycle Route.
 - Item I.1.e., “Discuss potential solutions to issues identified for the Town to consider,” is unclear. Both the issues and potential solutions must be specified, as well as any analyses needed to evaluate the solutions presented.
 - We recommend mitigations in the DEIS identify improvements to support bicycle and pedestrian safety, potentially in conjunction with Sullivan County’s pending Bicycle and Pedestrian Plan, and recommendations in the Upper Delaware Scenic Byway Management Plan.
- J. Community Services, page 16
- We recommend the scope call for data on the incidence and nature of police, fire department and EMS callouts to the site.
 - We further recommend that the assessment of impacts include a projection of anticipated changes in demographics and site use.
- K. Historic and Cultural Resources, page 16
- Consultation with Tribal Historic Preservation Offices (THPOs) with ancestral ties to this area must be added to the Existing Conditions analysis to ensure a fuller understanding of the history and importance of the site and surrounding area.
 - The scope and DEIS must reference the previously conducted archaeological analysis.
 - The existing archaeological analysis contained the following observations. The DEIS would be more informed by a robust analysis that addresses the following considerations:
 - Out of the 229 ground-truthing test pits surveyed during the Phase 1B Archaeological Field Reconnaissance Survey, most were obstructed by trees, rocks, and other factors, thereby excluding them from the survey.
 - According to the report, “The project’s location, along the banks of the Delaware River along with the level terrain that exists within this Project Parcel, makes this landscape moderate to highly sensitive for precontact cultural resources. In addition, the landscape features numerous rock outcrops and overhangs that may have served as shelters.”
 - The report additionally states, that “The environmental conditions present within the Camp Fimfo Project indicate that the Project Parcel is sensitive for precontact and historical cultural resources.”
 - The Scope narrowly focuses on National Register sites, excluding much of the rich area history. The Scope must call for the DEIS to consult with the Sullivan County historian,

John Conway, as well as draw on history documented in the Upper Delaware Scenic Byway.

- We recommend mitigations discussed in the DEIS consider how to engage FIMFO visitors with local history.
- L. Noise, pages 16-17
- We recommend the noise analysis address anticipated cumulative noise levels from routine site occupancy and from the installation of new utilities running at 283 PMRVs. The scope must call for research into any history of noise incidents at the site and could consider noise issues at campgrounds elsewhere along the river corridor.
3. Section VII. GROWTH INDUCING ASPECTS, pages 17-18
- The DEIS must consider the precedent value of the proposed development, identifying properties in the vicinity that might be similarly developed. It must consider how the proposed project may stimulate both further commercial development, and residential development to meet the needs of new employees moving to the area. It must also look at the potential to meet this need through growth of the Barryville hamlet, and identify public infrastructure improvements that may be required to support such growth.
4. Section VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES, page 18
- This section must address how the project would align with New York State's 2019 Climate Leadership and Community Protection Act.
5. Section VIII. APPENDICES, page 18
- The appendices must include a description of the public engagement process used throughout the EIS process, as well as details on the participation of Interested and Involved agencies. Agency and public comments must be included as well.



Upper Delaware Council

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www.upperdelawarecouncil.org

November 22, 2023

Monica McGil, Secretary
Planning Board
Town of Highland
planningboardzba@townofhighland.com
(sent via email)

RE: UDC2022-03 / Camp FIMFO – Modernization and Improvement Project, UDC Comments on Draft Scoping Document

Dear Ms. McGil:

The Project Review Committee of the Upper Delaware Council has reviewed the Draft Environmental Impact Statement (DEIS) Draft Scoping Document, and offers the following comments, numbered to correspond with same:

II. Description of the Proposed Project

- A. 3. Repeated reference to the “Delaware River” and in particular the “Delaware River Recreational Segment” should be revised to **Upper** Delaware River to reflect the 1978 Congressional Designation.
- A. 6. The description of existing facilities should include the current number of tent, pull-in RV, park model RV, etc sites on the property.
- B. 3. b. The description the proposed campsite overnight accommodation upgrades should differentiate between RV pads (for guests to bring their own RVs) and Park Model RVs and other site types where the RVs remain on the property year-round.
- B. 21. a. Are there any additional roadways proposed besides emergency access? These should be discussed.

III. Existing Conditions, Potential Impacts as a Result of the Proposed Project and Proposed Mitigation

- A. 3. a & c. Again the word “Upper” should be included when describing the river, and the River Management Plan.
- B. 1. Specify the number of different types of campsites (e.g. tent vs RV pad vs park model RVs,) and what year(s) they were added to the project site.

Working together to conserve the Upper Delaware Scenic and Recreational River

*Town of Hancock • Town of Fremont • Town of Delaware • Town of Cohecton • Town of Tusten • Town of Highland • Town of Lumberland
Town of Deerpark • Damascus Township • Berlin Township • Lackawaxen Township • Shohola Township • Westfall Township*

B. 4. Discuss the option of removing the park model RVs from the site during the off-season (to better fit the definition of a “temporary” structure), and the potential environmental impacts of same.

D. 1. Discuss the number of existing permanent water hookups for campsites, and when they were constructed.

D. 3. Include the number of permanent water hookups being proposed.

E. 3. Discuss the impact of the chlorine pool in the floodplain (this has been an issue repeatedly raised by members of the public):

- The impact of the volume of the pool entering the river during a flood event
- How and where the pool chemicals will be stored
- How and to where the pool will be drained each season
- How and from where the pool will be filled each season

F. 3. Discuss potential groundwater mounding below the proposed stormwater basin(s).

G. 1. Discuss the number of existing permanent sewer hookups for campsites, and when they were constructed.

G. 3. Include the number of permanent sewer hookups being proposed.

H. 3. c. All trees (regardless of species) to be removed should be discussed and catalogued. We recommend a count of all trees 6” DBH and higher, since it’s the smaller diameter trees that have the most potential to grow and be useful habitat in the future.

Additionally, any evidence of hemlock woolly adelgid or emerald ash borer should be discussed.

Also, any clearing near the Beaver Brook must be discussed specifically, and how that clearing will affect the temperature of that stream.

H. 3. d. Compare the environmental impacts of blasting (which may only have to occur a few times) versus impact hammering (which is not as loud, but may have to occur over a longer period of time) on local species (not just endangered/threatened ones)

I. 1. c & d. Existing traffic should be discussed quantitatively, not qualitatively, with traffic counts conducted

I. 3. a. Proposed traffic should also be discussed quantitatively, rather than qualitatively. Real occupancy numbers from the past two seasons should be used to estimate future traffic generation under proposed conditions.

J. 1. Descriptions of existing conditions should include usage of police/EMS services at the project site over the last few seasons.

K. 1. Should include the location and condition of the D&H Canal or historic remnants on-site.

K. 3. Should propose interpretive signage for the canal, and describe how that area will be protected during and after construction.

M. Lighting impacts should be included in the DEIS. Existing lighting levels and proposed lighting levels should be discussed.

Thank you for your time and attention to this matter, and for the opportunity to comment on the scoping document. As always, the UDC is available for questions or consultation regarding the implementation of the Land and Water Use Guidelines of the River Management Plan of the Upper Delaware Scenic and Recreational River.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Kerry Engelhardt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kerry Engelhardt, P.E.
Resources and Land Use Specialist

cc: Larry Richardson, Project Review Committee Chairperson
Andy Boyar, Town of Highland UDC Rep
Lindsey Kurnath, Superintendent, Upper Delaware Scenic & Recreational River
Caren LoBrutto, LaBella Associates
Scott Campbell, Northgate Resorts



November 9, 2023

Planning Board
Town of Highland
Ms. Monica McGil, Planning Board Secretary
4 Proctor Rd, Eldred, NY 12732

Submitted electronically to: planningboardzba@townofhighlandny.com

Re: Delaware Riverkeeper Network Comments on Camp FIMFO Draft Scoping Document

Town of Highland Planning Board,

The Delaware Riverkeeper Network submits the following comment regarding the:

- Draft Camp FIMFO Scoping Comment Process,
- Draft EIS comment process, and
- Draft Scoping Document.

Regarding the Camp FIMFO Scoping Document Comment Period.

Thank you for listening to concerned members of the community and voting to begin the process of a complete and thorough Environmental Impact Statement (EIS) process.

The Delaware Riverkeeper Network reiterates our request that the period for scoping be extended until December 21, 2023. The mere 20 days being provided for comments on the proposed scoping document, particularly given the time of year over which it takes place, is not adequate and does not support full and fair opportunity for all impacted and concerned communities to comment.

This is a highly controversial issue that has garnered tremendous interest and engagement from the public. Given the high level of interest, providing only 20 days for the community to fully consider and gather their comments will inhibit many from being able to fully and fairly participate in this important public comment opportunity. In addition, the 20-day period includes days leading up to Thanksgiving when many people will be traveling to spend Thanksgiving week with family, which is very unfair and infringes upon the ability of people to fully engage. The comment period also includes the days leading up to, and including,

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election day – a time when many members of our community are participating in our democracy, including volunteering time to share candidate information and to staff the polls. Given the significant interest and impact of this proposal on the Town of Highland, but also beyond – including neighboring communities in New York and Pennsylvania, Upper Delaware Wild and Scenic visitors and recreationists, as well as having implications for the broader Delaware River watershed region – it is essential that the Town of Highland work to support broad and inclusive engagement.

A robust, inclusive, and fully informed comment process will not only serve the community, but it will best serve the Town of Highland Planning Board and other involved decisionmakers entities. The more complete the public comment information received during this crucial scoping process, the better the information the Town and other regulatory agencies will have in order to inform their decision.

Environmental Impact Statement Comment & Hearing Process.

It is essential that once the Draft Environmental Impact Statement (DEIS) is released for public review and comment, that the opportunity for written and verbal comment is robust, and ensures a full opportunity for all who are interested to review and comment on what we hope will be a detailed and robust document for review and comment.

Therefore, we will take this opportunity to urge a Draft EIS comment period that is no less than 90 days and includes 3 public hearing opportunities, including two in person and one conducted via Zoom.

Draft EIS Must Include The Complete and Actual Proposed Project with the Most Updated and Final Plans.

Before public comment is solicited, the applicant must provide clarity on the proposed plan and all associated elements, size, configurations, etc. Currently there is great confusion over the final plan under consideration given that different agencies have received different versions of the plan. Therefore, before public comment is solicited, Sun NG Kittatiny RV LLC must confirm that the information, data, graphics, engineering plans, narrative descriptions and discussions provided in its site plan, as well as all other associated information, represent the complete plan up for consideration, and must confirm that its DEIS assessment and documents are based upon that complete and final plan.

To prevent segmentation and to address cumulative impacts, the DEIS should include full and complete information on all plans Sun NG Kittatiny RV LLC has for the site and/or the region. Therefore, the Draft EIS must include full information regarding:

- Any and all additional or new development at the current Camp FIMFO site that Sun NG Kittatiny RV LLC is considering, anticipating, planning for, speculating about or that may be reasonably foreseeable.

- Any and all additional or new development in the region, whether or not at or adjacent to the current Camp FIMFO site, that, Sun NG Kittatiny RV LLC is anticipating, considering, speculating about or that may be reasonably foreseeable.

As recognized by the Delaware Riverkeeper Network expert report previously submitted and attached, application materials demonstrate that Sun NG Kittatiny RV LLC “is reserving substantial space for an increase in the proposed septic system. As shown in Sheets C301 through C311, there are nine areas that are reserved for expanded septic systems. ... If there are plans to increase the project’s size, as the notation suggests, the entire project needs to be evaluated now, so that adverse environmental impacts can be disclosed, evaluated and fully understood. Further, full disclosure of the project is essential to determine if the project meets applicable standards for local approval, and to determine whether a mitigation plan can be developed to mitigate adverse impacts to the extent practicable. If there are no plans to increase the size of the project at a later date, then why are there nine areas identified in the plan as a “future expansion area” for the septic system? “

Ensure Use of Reasonable Worst-Case Assumptions.

Environmental analyses conducted under New York State’s Environmental Quality Review Act (SEQRA) are to be driven by the concept of reasonable worst-case assumptions. Reasonable worst-case assumptions may be different from the expectations developed by applicants and are intended to be conservative, which means to err on the side of overstating environmental impacts when there is uncertainty. It is essential that the DEIS fulfill this legal guidance and mandate.

Comment on Camp FIMFO Scoping Document.

It is essential that the Draft EIS be a robust and objective assessment providing data, information, technical analysis, discussion and information regarding the environmental and community impacts of the proposed Camp FIMFO project. The EIS should not be pursued by Sun NG Kittatiny RV LLC or advocates on the Town of Highland Planning Board as a marketing piece designed to “sell” their project to the public.

With this in mind:

- We question the level of focus the Scoping Document seems to suggest will be devoted to assessing the site’s history. To the degree this information is included in the scoping document it must only be presented as factual information relevant to the consideration of the proposed elements of the Camp FIMFO project.
- We also challenge the value of including Sun NG Kittatiny RV LLC’s speculation on the use of the site if Camp FIMFO is not approved. We have already seen how the company uses such speculation to cast aspersions and to paint a false picture of adverse impact when the site has been, or if the site is to be, used by people who are members of the Jewish community, religious communities, are People of Color, or of low-income socio-economic status. The potential future use of the site by others is irrelevant to the

assessment of the harmful impacts Sun NG Kittatiny RV LLC will inflict on our River, environment, and communities if Camp FIMFO is constructed and operated as proposed.

In addition to what has been provided in the scoping draft document, additional information and issues that need to be addressed in the Draft EIS for Camp FIMFO must include:

Full information on any and all consultation with Native American communities in the region.

A full discussion of any and all legal limitations that will be placed on the undeveloped portions of the site regarding its future use.

This site has a rich and wonderful history of being accessible to a wide and diverse array of people regardless of race, ethnicity, or income level. The increased costs associated with the changed facilities are (as per comments on the public record) expected to affect and limit those who can be expected to access and utilize the new facilities. There must be a full assessment and discussion of the impacts of this changed use, including access to, and use by, historically marginalized communities with specific consideration of those in lower income brackets, People of Color, and Indigenous people.

There needs to be a full consideration of the impacts to

- the 100-year floodplain,
- the 500-year floodplain,
- the water quality, quantity and ecological quality of Beaver Brook,
- mature forested steep slopes located in buffer areas,
- The function, flood storage capacity, soil health, forest complexity, forest layers, and quantity and quality of native flora and fauna located in buffer areas.

Assessment of the threat and expansion of invasive plant and animal species that could result from onsite work, site disturbance and ongoing operations.

The amount and quality of vegetation that will remain in the floodplain post construction and how the floodplain will be protected and maintained during project operations.

Consideration of the implications of the proposed aquatic swimming and waterslide pool(s) and mini golf facilities, including, but not limited to:

- Proposed management for chemicals and facilities at the swimming pool site and the mini golf site, including release into the environment during day to day operations and/or a catastrophic weather event such as flooding. Such analysis should include consideration of impacts to pollinators, bats, birds, wildlife and flora.
- Disruption caused by lighting to the environment and nearby residential communities and other business operations.
- Harm to existing habitat where these artificial facilities would be located.

We have consulted with a pool expert and identified the following key issues and foreseeable hazards that must be discussed and addressed with regards to the aquatic facilities, including but not limited to:

- The pool will require high voltage power to support the pumps. Power would also be needed for things like lights. It is dangerous to have such power on lands that are subject to flooding. This infrastructure is at risk from being washed into the river in the event of a major flood event. Depending on its location, this may also be a concern for the mini golf operations.
- Fencing will have to surround the pool area for safety purposes. During high water events, this fencing will catch debris and has the potential to be washed away into the river creating additional downstream hazards including to residences, businesses, ecological habitat, aquatic life, and wildlife.
- The potential that during flooding the pool may actually pop out of the ground and be washed downstream.
- The need for significant quantities of chemicals stored on site that may spill in concentrated levels, particularly during catastrophic weather events such as flooding, and or during mismanagement of the facilities.
- The potential for chemical spillage and other foreseeable hazards during routine maintenance.

Application materials for the project say that currently unpermitted septic systems on the site will “more than likely” be decommissioned. There should be firm discussion and details regarding this proposed decommissioning, or the lack thereof.

Proposed parking plans for the site, including, but not limited to:

- Why the suggested parking plan exceeds what is needed to accommodate the proposed Camp FIMFO project as put forth by Sun NG Kittatiny RV LLC in application materials;
- Whether the additional parking will or could accommodate future additional development at or near the site, and/or is it to accommodate the planned or potential future opening of the proposed swimming and mini golf facilities to the public;
- When discussing parking, Camp FIMFO application materials say that on the east side of the site, 302 parking spaces will be provided but then states that only 83 vehicles are anticipated. It also says that it will be increasing parking on the west side at the welcome center by 53 spaces. The DEIS needs to assess why there is a need for parking on the west side of Route 97 if all parking needs are being accommodated by the parking lot on the east side.
- Assessment of why parking on the east side of the project is over three times the asserted anticipated number of vehicles.
- The existing, anticipated or foreseeable connection between the plans for excessive parking and additional anticipated or foreseeable phases of the project.
- Whether the public use of the proposed swimming/waterslide pool(s) and mini-golf facilities are greater than what is being asserted.

Discussion of the length, width, materials and maintenance plans for all existing and new roads and parking areas associated with the project.

Discussion of the ecological impacts of managing parking surfaces, road surfaces and paved surfaces, as well as addressing pollution that will accumulate and be introduced therefrom into the environment during rain events, including but not limited to:

- use of salt or other de-icing methods on the parking and onsite roadways, or paved areas, and the impacts for the environment,
- ecological impacts of the vehicle pollution (e.g. oil, brake pad dust, pollutants from tailpipe emissions) that will build up on road and/or parking surfaces and be washed on and into adjacent natural areas and waterways,
- environmental impacts associated with potential maintenance of road, parking and/or paved surfaces, including, but not limited to, the use of sealcoat, cinders, additional gravel, herbicides.

Discussion of total tree clearing being proposed including, but not limited to:

- at what locations,
- during what times of the year,
- during what days of the week and hours of the day, and
- using what methods.

Discussion of total tree and forest clearing and floodplain clearing for parking lots and other hard structures. A detailed tree inventory/forest inventory outlining and characterizing existing tree, shrub, and plant species, structure, and forest and floodplain soils that would be disturbed.

Full details on how Sun NG Kittatiny RV LLC concluded that there will be reduced occupancy at the site under the new condition.

The new buildings to be constructed on existing building footprints should be analyzed. There needs to be a precise comparison of whether the new building will be built on the exact same footprint of the original building or will present a change in configuration and, if so to what extent and in what locations.

Additional detail on the grass parking facilities and whether there will be any infiltration elements included.

Discussion of the level of impervious cover pre-and post-project development, including, but not limited to:

- The level of imperviousness – roadways, parking areas, building areas, lawns, compacted soil areas – that will be created within the project site,
- specific detail on the impervious cover that will remain, or be constructed, in the floodplain,

- Analysis of stormwater runoff and nonpoint source pollution that will result and the ecological and water quality impacts that will result from each impervious area during construction and during site operations,
- Any pre-and post-calculation of impervious areas should include a discussion of exactly what areas are and are not included in this calculation.

Specific information on runoff curves, runoff coefficients, and soil bulk density should be provided for every landuse anticipated for the site including, but not limited to: lawns, parking areas, grassed parking areas, gravel areas, roadways, forested area, shrub areas, areas covered by herbaceous plants, open fields, tent camp sites, RV camp sites, cabin sites, glamping sites, mini golf course, aquatic area, playground areas. This data is essential in order to assess the calculations and information provided regarding stormwater runoff, infiltration, water quality calculations and more.

Full capacity of the planned sewage treatment plan for the site.

Expert analysis regarding connectivity and/or impacts of proposed sewage treatment, groundwater, surface waters and/or water supply wells.

Any community impact assessment should include, but not be limited to:

- Assessment of the increased need for public services in local communities, as well as additional stress on existing infrastructure, such as roadways, emergency services, fire services, scenic roadway impacts, etc.
- Assessment and discussion of any contribution Sun NG Kittatiny RV LLC. will be paying to the Town of Highland, surrounding municipalities, the state of New York and Sullivan County in the form of taxes.

Additional details on the amusement park elements of the project including:

- The length of the water slides.
- The expected size of the swimming pool and how many swimmers it will accommodate.
- The infrastructure, paving, etc surrounding the pool area. This question is not about parking, it is about pool decking and lawn area.
- The level of artificial lighting proposed for the pool and the mini golf, including the hours of operation of the lighting, and the impacts on surrounding ecological, residential and business communities.
- The level and impact of any excavation and land alteration that will be required to accommodate the pool.
- Ecological impacts of the lighting at all parts of the site, including the increased impacts of car headlights and the increase of artificial light likely around the pool and around the sidewalks and “cabins”

Site specific, independent, and detailed analysis of traffic implications of the project including quantity, timing and nature of pre versus post traffic conditions/expectations. Use of Institute

for Transportation Engineers (ITE) generation rates will not provide the quality of data necessary for a meaningful analysis. Site-specific data, including a traffic study based on current conditions, complimented by more specific data based on comparable uses reflecting the future proposed condition, should be required.

Traffic and parking analyses should recognize that a significant portion of the site is being transformed from a traditional tent camping use to a resort use, and the traffic assessments need to reflect this significant alteration in site use.

Assessment of associated traffic hazards to pedestrians, other drivers, and wildlife (including, but not limited to, road mortality to amphibians during vernal pool migration).

Analysis of the implications of widening of existing roadways on the site that traverse steep slopes and cut through woodland areas.

According to the Upper Delaware Council, one of the proposed septic system locations was not the subject of soil investigations; and as it turns out, according to UDC meeting notes “this location may have the least-well drained soils of all the proposed locations”. Full and careful assessment and details should be provided.

Discussion of the implications of flooding at the site, including an assessment of the ecological ramifications of the new infrastructure, facilities, RVs, glamping facilities, cabins, swimming pool infrastructure, and minigolf infrastructure being swept into the River when it floods should be assessed. This discussion should include plans to prevent this foreseeable hazard, and to respond when it does happen.

Assessment on the impacts to nearby businesses, recreational facilities and landowners; businesses, recreational facilities, National Park Service lands, and landowners downstream; and businesses and landowners across the River in Pennsylvania, including impacts to view sheds, quality of life, recreation, property values etc will be impacted.

Assessment of the ecological implications of the changed use from tent to RVS/Cabins/Glamping including the impacts of air, noise and light pollution from generators and other fossil fuel, and/or electric powered, operations at the site.

Discuss the months of operation for the RV and glamping sites. Given the new infrastructure being built to support them, and that they are more protected facilities for guests from colder and inclement weather, there should be a discussion of the impacts of a longer “season” for their use, which is a very foreseeable change in site use.

Consideration of the impact of the proposed site development on the Barnes Waste Site.

Safety issues associated with increased pedestrian traffic.

Assessment of the visual and aesthetic impacts on recreational river paddlers, fisher people, tubists, and the other vacationers and leaf-peepers seeking to enjoy the natural beauty and quiet that this proposed development is poised to diminish.

Assessment and discussion of implications for eagle behavior, feeding and nesting.

Assessment of impacts to stream insects and fish in the Beaver Brook and the Delaware River, including potential food chain ramifications if aquatic life is stressed or harmed by site development, use of chemicals on site, runoff of deicing materials, increased stormwater runoff, increased water pollution, increased streamside erosion, and degradation of riparian buffers.

Discussion of alternative, non-fossil fuel, energy sources to reduce emissions from the site.

Discussion of exceptions or exemptions from applicable regulatory standards Sun NG Kittatiny RV LLC will be seeking from any government entity at the Town, County, State, Federal, or DRBC level should be included in the assessment.

Discussion of government funding, grant opportunities or tax benefits provided to Sun NG Kittatiny RV LLC for this or other projects in the region.

Details and discussion regarding planned food service facilities at the site, including what is anticipated in the near-term and the long-term regarding food and service to be provided, the cooking and dining facilities to be included, the potential for public access and use in the near term and long term, and the potential need for increased parking related to public use of the food service facilities.

Assessment of stormwater runoff from the site, including alternative options for addressing stormwater runoff from the site, consideration of infiltration options for stormwater management; the quality, quantity, rate, timing and volume of runoff associated with all stormwater management options. The stormwater analysis should address inconsistencies in project application materials provided to date, including those recognized and discussed in the expert report commissioned by Delaware Riverkeeper Network provided previously and attached.

Specific runoff curve numbers used for each area of the proposed project in determining stormwater runoff rate, volume and timing should be provided. Special attention is necessary with the sensitive and challenging features of this natural area, floodplain, steep slopes and existing mature forest and riparian forested corridor.

As identified by DRN's expert, in submitted application materials, the applicant produces water quality volumes for 100% reductions in new impervious areas and water quality volumes for 25% reduction for existing areas that will be redeveloped. It shows that there are 17,770 CF of stormwater that qualify for 25% reduction. However, that means that there are 53,310 CF of stormwater that will not be managed. Where is this water going?

Discussion of pre and post vegetation at the site including native and non-native species and the ecological implications of what exists and what is planned as part of the project proposal.

The Scoping Document proposes to consider the Substantial Conforming findings of the National Park Service but fails to include an assessment of the findings that the project does NOT substantially conform. Discussion of the project's failure to conform must be addressed – and simply rejecting the National Park Service findings in this regard and having Sun NG Kittatiny RV LLC dismiss the National Park Service findings of nonconformance would not be a meaningful or acceptable response.

The amount and quality of vegetation and vegetated buffer area proposed to border all waterways and wetlands on the site and how this vegetation and these buffer areas will be protected and maintained from incursion and degradation during and after project operations.

Evaluate and address the reality that Camp FIMFO changes the nature of the use, transforming it from a rustic campground to a resort with recreational vehicles permanently placed on the site to act as guest rooms, sites for private RVs, and tents that can be provided to guests for “glamping.”

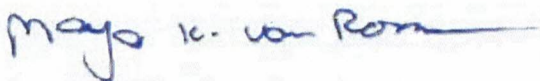
Cumulative impact assessment of this project in combination with other recreational operations, business operations, and development proposals in the region (including, but not limited to, existing RV parks, resorts, private RV parks) on the environment, wildlife, plantlife, aquatic resources, ecotourism, recreation, quality of life, property values.

There Are Numerous Very Serious Issues The DEIS Must Consider & Address.

As this letter demonstrates, the project raises numerous very serious issues. We expect the Planning Board to direct the applicant to study these issues and present detailed and factual findings in the DEIS. Once the Board is convinced that the applicant has done so, we would expect, as discussed above, a robust period of community review, organized comment, and accessible public hearings. Of course, the applicant will then need to meaningfully address each public comment provided in its FEIS.

Thank you for your commitment to this statutorily-dictated process.

Respectfully submitted,



Maya K. van Rossum
the Delaware Riverkeeper



November 18, 2023

Planning Board
Town of Highland
Ms. Monica McGil, Planning Board Secretary
4 Proctor Rd, Eldred, NY 12732

Submitted electronically to: planningboardzba@townofhighlandny.com

Re: Delaware Riverkeeper Network Supplemental Comments regarding Camp FIMFO Draft Scoping Document

Town of Highland Planning Board,

The Delaware Riverkeeper Network submits this comment that supplements our comments submitted on November 9, 2023.

The Draft Scoping Document should directly and explicitly include all concerns generated by commenting residents, businesses and government agencies to date. There are a wealth of comments that have been submitted to the Town of Highland, the Upper Delaware Council, and other government agencies. By this reference, the Delaware Riverkeeper Network includes all such comments and concerns. The Delaware Riverkeeper Network urges the Town of Highland to require that all public and agency comments, at the very least those that have been submitted to the Town of Highland Planning Board and Board of Supervisors, be explicitly included in the final scoping document to be addressed in the Environmental Impact Statement generated pursuant to the mandates of NY SEQRA.

The Draft Scoping Document should include the potential impacts from the increased intensity of landuse on community character, visual character, and water quality that may result from the conversion of the existing tent campsites to park model recreational vehicles that use installation methods making them permanent fixtures on the landscape.

The Delaware Riverkeeper Network agrees with the National Park Service that the Draft Scoping Document and Draft Environmental Impact Statement (DEIS) should clearly define and discuss the different kinds of land use that are part of the final project proposal, along with their differing impacts including tent sites, traditional RV sites, and Park Model Recreational Vehicle (PMRV) sites.

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The Draft Scoping Document and DEIS must discuss and evaluate the permanent nature of the PMRV sites being proposed, regardless of the Recreational Vehicle Industry Association's certification/assertion, and the assertion by Sun NG Kittatinny RV LLC, that the proposed PMRVs are temporary in nature.

The Draft Scoping Document and DEIS must explicitly include and evaluate the new installation and/or connection of onsite water and septic systems to/for/with the PMRV sites being proposed.

It is our understanding from documents on the record that 283 PMRV sites are proposed. Therefore, transformation of use, and associated impervious, septic, water, lighting and power infrastructure are extremely significant.

The Draft Scoping Document and DEIS should include discussion and evaluation of alternatives that would conform with the Upper Delaware Scenic and Recreational River Corridor and associated River Management Plan including the Secretary's Land and Water Use Guidelines.

The Delaware Riverkeeper Network echoes the comment by the National Park Service that: "When considering the project in relation to the 1986 Upper Delaware RMP, NPS requests the DEIS assess the implications of the proposed PMRV installations under the RMP definition of an RV Park for Non-Transient Use. We also request the DEIS consider the potentially applicable definitions and use categories from the Town of Highland code, including the specific definitions for Recreational Vehicles, Dwelling Unit, Mobile Home, and Motel/Hotel. A discussion on whether the permanently installed PMRVs can or will be considered independent motel-type units, which are limited to 12 or fewer in the Town of Highland and throughout the corridor in the RMP, must be included in the DEIS."

The precedent setting nature and ramifications of this proposal with regards to Town of Highland ordinance regarding PMRVs must be evaluated.

The Draft Scoping Document and DEIS must specifically consider the impacts of the proposed Camp FIMFO project – individually and cumulatively with other present and future projects in the region that exist and/or are reasonably foreseeable whether advanced by Sun NG Kittatinny RV LLC or others – on the Outstandingly Remarkable Values (ORVs) of the Upper Delaware River that are recognized and protected by the Wild & Scenic Rivers Act and the Upper Delaware Scenic and Recreational River designation. These ORVs include the free flowing nature of the river, its exceptional water quality, and the ecological, recreational, scenic, geologic and cultural values of the River. The assessment must include all of the potential impacts to these values articulated in the Delaware Riverkeeper Network's November 9, 2023 comment, a well as, but not limited to, impacts to the river, river corridor, people, wildlife, aquatic life, and the overall region's:

- view shed,
- water quality,
- natural lighting,

- geology,
- nightscape,
- scenic values,
- recreational experiences (other than just those being conducted onsite at Camp FIMFO),
- educational experiences, and
- local and regional environmental and recreational businesses, institutions and/or organizations

The Draft Scoping Document and DEIS should include updated data, information, floodplain mapping, flood and rainfall data, geomorphic information, and more helpful 2-d modeling. The knowing use of data and information that is decades old is inappropriate and irresponsible.

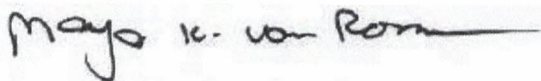
The Draft Scoping Document and DEIS should address emergency management, air quality and solid waste impacts associated with the project individually as well as cumulatively with existing and/or reasonably foreseeable future land use.

The Delaware Riverkeeper Network echoes the issues, concerns and comments included in the National Park Service November 17, 2023 comment and included Appendix A.

There Are Numerous Very Serious Issues The DEIS Must Consider & Address.

As this letter and our previously submitted comments demonstrate, the Camp FIMFO project raises numerous very serious issues. We expect the Planning Board to direct the applicant to study these issues and present detailed and factual findings in the DEIS. Once the Board is convinced that the applicant has done so, we would expect, as discussed above, a robust period of community review, organized comment, and accessible public hearings. Of course, the applicant will then need to meaningfully address each public comment provided in its FEIS.

Respectfully submitted,



Maya K. van Rossum
the Delaware Riverkeeper



November 21, 2023

Planning Board
Town of Highland
Ms. Monica McGil, Planning Board Secretary
4 Proctor Rd, Eldred, NY 12732

Submitted electronically to: planningboardzba@townofhighlandny.com

Re: Delaware Riverkeeper Network Second Supplemental Comments regarding Camp FIMFO Draft Scoping Document

Town of Highland Planning Board,

The Delaware Riverkeeper Network submits this additional comment that supplements our comments dated November 9 and November 18, 2023.

Based on communications from Planning Board members to members of the public, it seems the Planning Board may be inclined to reject/ignore comments submitted by the Delaware Riverkeeper Network given that the location of our main office is not in the Town of Highland. To reject comments submitted by the Delaware Riverkeeper Network would be wholly inappropriate and against the mandates and spirit of applicable law. The Delaware Riverkeeper Network is a regional organization that works throughout the Delaware River watershed states, and when necessary, at the federal level, this includes a robust and long history of work in New York State and in the Upper Delaware River region to protect the main stem including the Upper Delaware River that will be a direct recipient of the adverse impacts at issue, as well as protecting tributary streams such as Beaver Brook, the River's watershed, and watershed human and natural communities. In addition, the Delaware Riverkeeper Network has over 170 members that live in Highland -- as well as many more that recreate, vacation, visit and enjoy the communities, natural resources and businesses located in the Town of Highland -- and our comments are submitted on behalf of our organization and our members, including those that reside in the Town of Highland.

We are aware that representatives for the Planning Board are using dismissive and disparaging characterizations with regards to public information being provided by the Delaware Riverkeeper Network to encourage and support public engagement, information, and awareness regarding the Draft Camp FIMFO Scoping Document and public comment period.

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It is wholly inappropriate for any Planning Board member, including its Chair, to respond to comments submitted by the public regarding the Camp FIMFO proposal with an aggressive or negative tone. This abuse of discretion and power taints the Town's decision-making process.

The Planning Board's obligation remains to objectively review the comments being provided and it is wholly inappropriate for any member of the Planning Board to respond to public comments in a way that makes commenters feel uncomfortable and/or may taint, influence, undermine, or dissuade the engagement by members of the public in the current, or future, public comment process regarding Camp FIMFO.

The Scoping Document and DEIS should include an analysis of the number of people, on a daily basis, a weekly basis, and a monthly basis that will be staying at the Camp FIMFO operation.

Representatives for Camp FIMFO have represented that they expect significant numbers of Camp FIMFO "campers" or "visitors" to use the River for recreational purposes such as tubing, kayaking, canoeing, swimming, etc. Accordingly, the Scoping Document and Draft Environmental Impact Statement (DEIS) should analyze and provide details on:

- the number of recreational users the proposed project will place on the Delaware River,
- the carrying capacity of the Upper Delaware River, and
- the water quality as well as ecological impacts of the recreational users who are staying at the Camp FIMFO site that will utilize the Delaware River for tubing, kayaking, canoeing, swimming, and other on water recreational purposes.

This analysis should consider the users and impacts resulting from Camp FIMFO clientele, as well as analyze the cumulative impacts with recreational users from other operations.

The Scoping Document and DEIS should include an analysis of the increased need for emergency services as a result of the more intense use of the site.

The Scoping Document and DEIS should include an analysis of the scale of this proposed project in comparison to the scale of other campgrounds in the region in terms of scale of use and the scale of community and environmental impact.

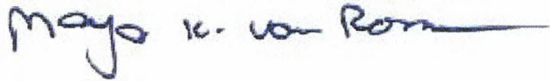
The Scoping Document and DEIS should include an analysis of the density of the number of RVs, glamping cabins/tents/structures and tent camp sites, vis a vis one another and in comparison to the current density of tent campsites.

The Scoping Document and DEIS should include an analysis of the impacts of the proposed laundry facilities proposed for the site including the volume of laundry expected to be done in the facility, the volume of water use and water discharge, any water quality or pollution impacts from the facility, and the amount of power that will be used to support the laundry operations.

The Scoping Document and DEIS should include an analysis of the precedent being set regarding the interpretation of the Town of Highland ordinances, and requested variances.

The Scoping Document and DEIS should include an impacts analysis of the foreseeable use of the new RV focused park for year round, or at least extended use in dates and times, as compared to the current seasonal use of the site. This analysis of impacts should include impacts to the community, to the environment, to wildlife, to businesses in the region, to traffic, for emergency services, for property values in the adjacent community, and for municipal, county or state services in the region.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style with a long horizontal stroke at the end.

Maya K. van Rossum
the Delaware Riverkeeper