



- Electronically Submitted -

January 21, 2013

Susan Baird, Assistant District Coordinator
District #5 Environmental Commission
5 Perry Street, Suite 60
Barre, VT 05641

RE: Winter Driving School Application #5W1309-2
Summit Ventures NE, LLC (dba Sugarbush Resort)
Applicant's Response to ANR's January 18, 2013 Comments

Dear Susan:

We have further reviewed our records for the Sugarbush Golf Club with regard to the deer wintering area adjacent to the Winter Driving School project site and agree that further examination may be required. Due to the short duration of operation and limited nature of the Winter Diving School use this item did not surface in our pre application discussions back in December. I offer my sincere apologies for not uncovering this while pulling together our application and know that we can work to resolve the raised concern.

Below I have provided a brief permitting history at the golf course, described historic and current winter uses, provided results of our site visits to and thoughts on the deer wintering area, and outlined steps to minimize this winter's potential impacts and suggestions for future winter driving events.

Permitting history at the golf course:

In 1998 Sugarbush applied for and received a permit to construct a replacement and expansion of the existing golf course irrigation distribution system. LUP #5W1309 was issued May 18, 1998 (copy attached). Included in this permit under Condition 8 is reference to the presence of a deer winter area near holes 10-15. At that time the Department of Fish & Wildlife reported that the project would not have adverse impacts under Criterion 8(A) (May 14, 1998 ANR Entry of Appearance attached).

Prior to the 1998 LUP #5W1309 permitting process the Sugarbush Golf Club was considered pre-existing with exempt status under Act 250 with no earlier permits in place.

Shortly after LUP #5W1309 was issued a flood caused irreparable damaged to the existing on stream pond used to provide water for the golf course irrigation system. After the flood Sugarbush pursued and received permits to use the existing Mad River snowmaking storage

pond as a source of irrigation water for the golf course (LUP #5W111-3/5W1309-1 issued April 13, 1999. A copy of this permit was included with our original application material). During the LUP #5W111-3/5W1309-1 review process deer wintering areas did not arise as an item of concern.

Historic and current winter uses:

Winter use at the golf course has varied over the years. Organized commercial uses offered by or through the resort have included cross country skiing, snowmobile tours, ice skating, snowshoeing and dining/events at the clubhouse. Currently Sugarbush offers no organized outdoor winter use and only periodically opens the clubhouse outside of the regular golf season for events and/or dining.

A section of the Catamount Trail, which sees regular winter use, traverses portions of the golf course from the 5th to the 13th holes. The Catamount Trail Association holds a permit trail easement for this section of the trail along the golf course.

The golf course is currently used by the general public throughout the winter months for cross country skiing, snowshoeing, walking/running, dog walking and sledding activities.

Site visit results and thoughts on the deer wintering area:

After becoming aware of the deer wintering area adjacent to the project site I conducted two site visits. During my first visit on Saturday, January 19th I walked the driving course site and the perimeter of the wooded area adjacent to the project site to the north. On my second visit on Monday, January 21st I conducted a more in depth site visit that included a longer perimeter walk of the golf course and abutting properties bordering the deer wintering area along with walking three transects through the southern lobe of the deer wintering area. My observations on these visits are outlined below.

The edge of the deer wintering area adjacent to the golf course driving range includes a mix of deciduous and softwood trees. This is shown more clearly on the enclosed aerial maps available from the Town of Warren GIS web site. These photos were taken during the spring when leaves were off the deciduous trees and better show the locations of the softwoods. Based on my investigation I agree that a portion of the existing driving range is within the 300 foot buffer, but believe that more than 50% of the range is outside of the buffer.

Use of the deer wintering area was evident during the January 21st site visit. The use did not appear recent or heavy and most of the deer sign found were in the northern portions of the investigation area, down along the drainages where running water was observed and was further away from the areas of existing development.

Existing development in proximity to the driving range and this deer wintering area include the golf course itself, The Farms residential development off Mountain View Road and Meadow

Lane to the northeast of the driving range and the residential development off Norwegian Lane to the north of the driving range. Each of these uses have portions of the development either within the deer wintering area or within the buffer.

It should be noted that at the time the Warren aerials were taken only one of the residential units to the northeast of the driving range had been constructed. The map included with ANR's January 18th comments show six structures while the Warren maps show only two along Meadow Lane.

Looking at this deer wintering area on a larger scale the habitat is large and in its northern reaches is more remote, is generally north and east facing, runs along the Clay Brook drainage and connects to another area north of the Sugarbush Access Road. I used the enclosed page from the Town of Warren's Natural Heritage Inventory and Assessment produced by Arrowwood Environmental in April 2008 to gain a better sense of the size of this wintering area. The full report is available on the Town of Warren web site.

Due to the large size of this deer wintering area and availability of more remote habitat deer do have good access to winter habitat away from the existing developments along the southern section of this particular deer wintering area.

Steps to reduce this winter's potential impacts and suggestions for future years:

Our operations crew is working to shift the winter driving course south on the driving range and further away from the edge of the deer wintering area to the greatest extent possible for this winter. We are some what limited to do this because we lost a fair amount of the natural snow during the rain and thaw experienced early last week. As stated in the application, the winter driving course will be relying on natural snow and we will not be making snow at the driving range for the event.

We are working with the driving instructors and event personnel to educate them on the existence of the adjacent wintering area in order to reduce the noise associated with the event. These efforts include limiting the use of the driving course to non-necessary use and hosting of non-driving components of the event indoors in the clubhouse. Lodging, most dinning and participant receptions will be held in the Lincoln Peak base area facilities.

We hope this event is successful and we will be able to offer it again in the future. To that end, we will work with ANR to find a more suitable location for future years.

We are also willing to work with the Department of Fish & Wildlife and the Town of Warren Conservation Commission to develop an outreach and education effort focused on the importance of deer wintering areas. The information would be posted on our web site, mailed to adjoining properties of this particular deer wintering area, could posted on the town's web site and would be replicable, transferable and therefore available to share with others.

It is our position based on the information provided above that the Winter Diving School would not cause undue adverse impact to the adjacent deer wintering area. The Winter Driving School is short in duration (6 days plus set up and break down), is similar to summer operations at the golf course, the golf course experiences ongoing recreational use throughout the winter months, and we will work to find a more suitable location for future winter events.

Thank you again for your time reviewing our application. Please contact me at 802.583.6366 or mwade@sugarbush.com should you have require additional information regarding our application.

Respectfully,



Margo B. Wade
Director of Planning & Regulatory Compliance

Enclosures (5)

Cc: Certificate of Service
Project File

CERTIFICATE OF SERVICE

I hereby certify that I, Margo B. Wade, Director of Planning & Regulatory Compliance at Sugarbush Resort, sent a copy of the foregoing **Summit Ventures NE, LLC, Applicant's Response to ANR's January 18, 2013 Comments (Application #5W1309-2)** by electronic mail on this 21st day of January, 2013, to the following:

Warren Select Board
c/o Andrew Cunningham, Chair
PO Box 337
Warren, VT 05674

Warren Planning Commission
c/o Craig Klofach, Chair
PO Box 337
Warren, VT 05674

Mad River Valley Planning District
Joshua Schwartz, Executive Director
PO Box 471
Waitsfield, VT 05673

Central VT Regional Planning Commission
Jackie Cassino, Regional Planner
29 Main Street Suite 4
Montpelier, VT 05602

Elizabeth Lord, Land Use Attorney
Planning Division ANR
103 South Main Street
Waterbury, VT 05671-0301

Susan Baird, Assistance District Coordinator
District #5 Environmental Commission
5 Perry Street, Suite 60
Barre, VT 05641

By: 
Margo B. Wade
Director of Planning & Regulatory Compliance



State of Vermont

LAND USE PERMIT

CASE	5W1309	LAWS / REGULATIONS INVOLVED
APPLICANT	Sugarbush Resort Holdings Inc.	
ADDRESS	RR #1 Box 350	10 V.S.A., Chapter 151 (Act 250)
	Warren VT 05674-9500	

The District 5 Environmental Commission hereby issues Land Use Permit 5W1309 pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 108, Pages 392-403 of the land records of Warren, Vermont, as the subject of a deed to Sugarbush Resort Holdings, Inc., the "permittee as grantee". This permit specifically authorizes the permittee to construct a replacement and expansion irrigation distribution system at the Sugarbush golf course which is located in the Town of Warren, Vermont.

The permittee and its assigns and successors in interest are obligated by this permit to complete and maintain the project only as approved by the District Commission in accordance with the following conditions:

1. The project shall be completed, maintained and operated in accordance with the plans and exhibits on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The granting of less than an undivided whole interest in this project is prohibited without prior approval of the District Environmental Commission.
3. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit.
4. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. The permittee shall comply with all exhibits for erosion control. From October 1st to April 15th of any calendar year, all non-vegetated disturbed areas of the construction site shall be mulched until final vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings, and site inspections to review erosion control, and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary.

Land Use Permit 5W1309

Page 2

6. This permit does not authorize any increase use of water from the existing storage pond which utilizes Clay Brook as a source of supply.
7. This permit does not authorize, or conceptually imply authorization for, use of water from the snowmaking pond adjacent to the Mad River and subject to the terms of Land Use Permit 5W1111 and related amendments.
8. This permit acknowledges for future planning considerations the Agency of Natural Resources Pre-Hearing Comments dated May 14, 1998 with respect to presence of a deer wintering area which is a necessary wildlife habitat in the vicinity of the water storage pond near holes 10-15. Additionally, the permittee shall avoid physical changes to wetland areas which are located on the project site.
9. All construction on this project must be completed by October 1, 2000.
10. Pursuant to 10 V.S.A. 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
11. Notwithstanding the latter date, this permit shall expire three years from date of issuance if the permittee has not demonstrated an intention to proceed with the project. In any event, there must be substantial progress towards completion within three years of the issuance date.
12. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., Section 6090(c).

Dated at Barre, Vermont, this 18th day of May, 1998.

TOWN OF VERMONT, VT

Received for Record May 20 1998at 9 o'clock A M and Received inLand Records, Vol 121 Page 168-169Robert Boss

TOWN CLERK

BY /s/ Philip H. Zalinger, Jr.Philip H. Zalinger, Jr., Chair,
District 5 Environmental Commission

Other members participating in this decision:

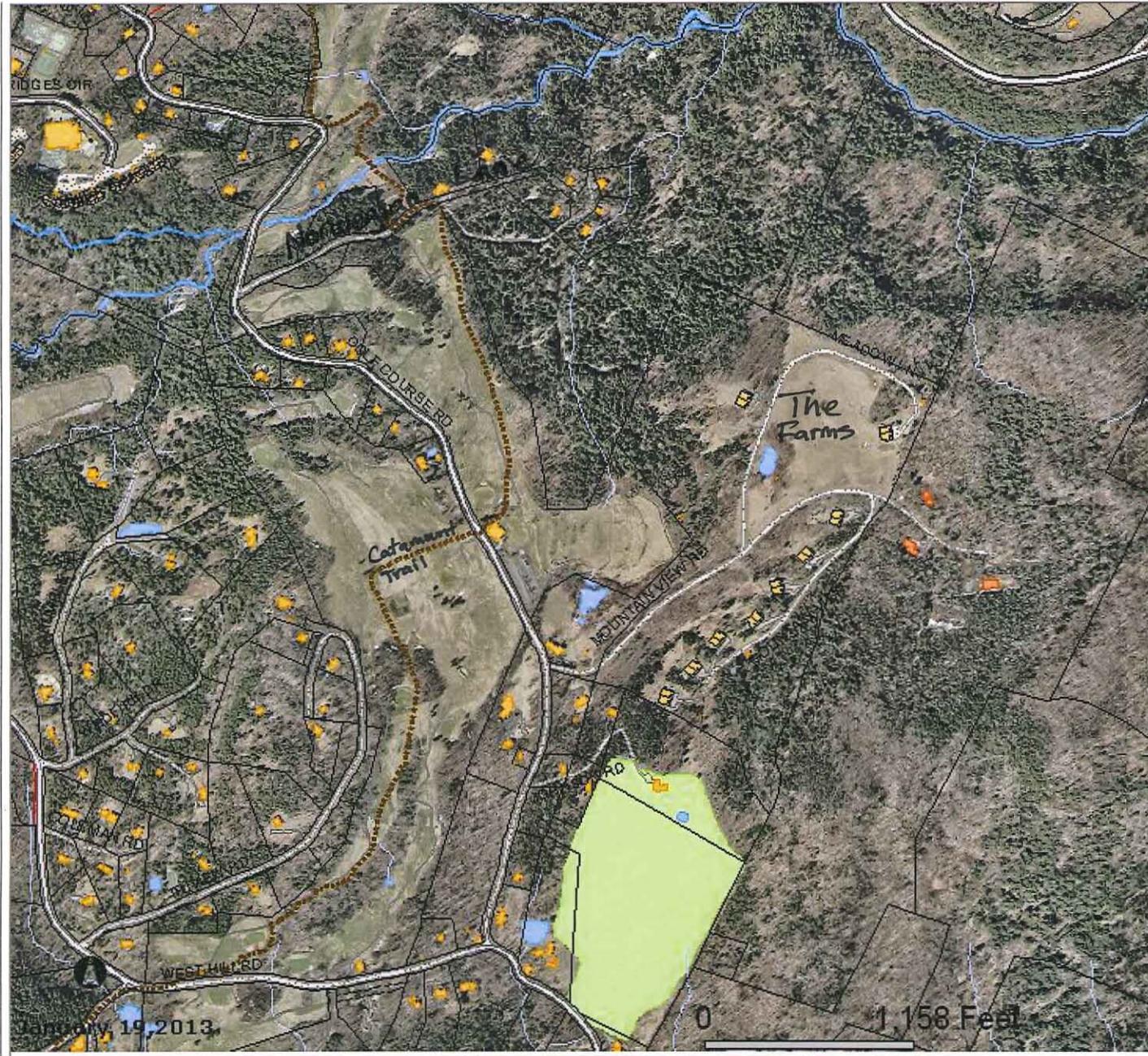
Allan Heath
Ken Libby

Any appeal of this decision must comply with all provisions of 10 V.S.A. §6089 and Environmental Board Rule 40 including the submission of the original and ten copies of the following: notice of appeal, a statement of why the appellant believes the commission was in error, a statement of the issues to be addressed in the appeal, a list of witnesses, this decision, and a certificate of service. Decisions on minor applications may be appealed if a hearing was held by the district commission or timely requested by the appellant.



Town of Warren
GIS aerial map
Sugarbush Golf
Course Driving Range
Map 1

completeness of any of the data. The Town of Warren shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



Town of Warren
GIS aerial
Sugarbush Golf
Course
Map 2

completeness of any of the data. The Town of Warren shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.

Natural Heritage Element Inventory and Assessment for the Town of Warren. By Arrowwood Environmental - April 2008.

Warren Deer Winter Habitat

In years where significant amounts of snow accumulate in the woods, white-tailed deer utilize evergreen forests for habitat. Evergreen trees intercept snow as it falls to the ground generally resulting in shallower snow depths. These habitats offer an overhead canopy of needles that shield deer from the cold. Deer congregate in these areas when snow depths exceed about 15 inches and often remain until the snow melts in spring. These winter habitats can be critical in limiting the energy expenditures of deer and supporting the overall survival of this species in the north.

Deer winter habitat that faces into the sun (either west or south) is often more valuable than east or north facing areas. Eastern hemlock, balsam fir, and Northern white-cedar stands provide the best cover and food value to deer, but pine and spruce will sometimes be utilized. These deer winter habitats are also home to bobcat, coyote, and scavenging bears that come looking for live deer to eat during the winter or carrion to scavenge in spring. Other animals such as evergreen-loving birds, porcupines and fox utilize these habitats during other seasons.

Potential deer winter habitat was divided into either "likely" or "potential" categories. Likely deer winter habitats are comprised of evergreen dominated forests, Eastern hemlock natural communities and hemlock-northern hardwood forests that have a west, south, or southwest aspect. These natural communities often receive the heaviest deer use and the most

consistent from year to year. These "likely" deer winter habitats are those generally (but not always) sought out in the longest, coldest, and snowiest winters. The strong spring sun in these communities melts snow early and warms cold bodies.

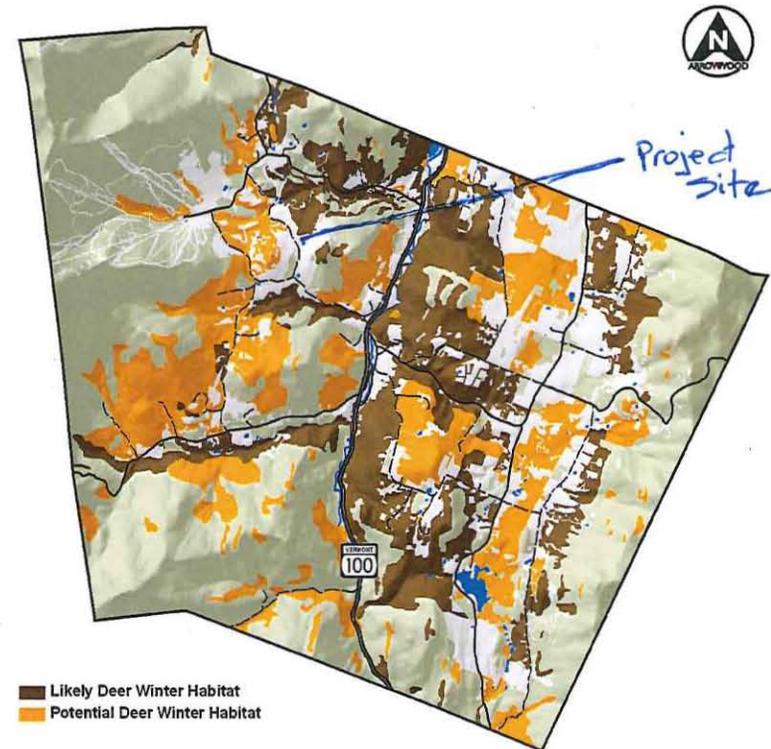


Figure r. Deer Winter Habitat Map

E-Notification CERTIFICATE OF SERVICE FILE # 5W1309-2

I hereby certify that I, Elizabeth Lord, Land Use Attorney, for the Agency of Natural Resources Office of Planning and Legal Affairs, sent a copy of the foregoing **Agency Comments and Entry of Appearance** dated January 18, 2013 regarding **File # 5W1309-2** by U.S. mail, postage prepaid, to the individuals without email addresses and by electronic mail to those with email addresses as indicated:

Warren Select Board
c/o Andrew Cunningham, Chair
Po Box 337
Warren, VT 05674

Warren Planning Commission
c/o Mike Ketchel, Chair
PO Box 337
Warren, VT 05674

Mad River Valley Planning District
Joshua Schwartz, Executive Director
Po Box 471
Waitsfield, VT 05673

Central Vermont Regional Planning Commission
29 Main St, Suite 4
Montpelier, VT 05602

Elizabeth Lord, Land Use Attorney
Planning Division ANR
103 South Main Street
Waterbury, VT 05671-0301

Susan Baird, Assistant Coordinator
District #5 Environmental Commission
5 Perry Street, Suite 60
Barre, VT 05641



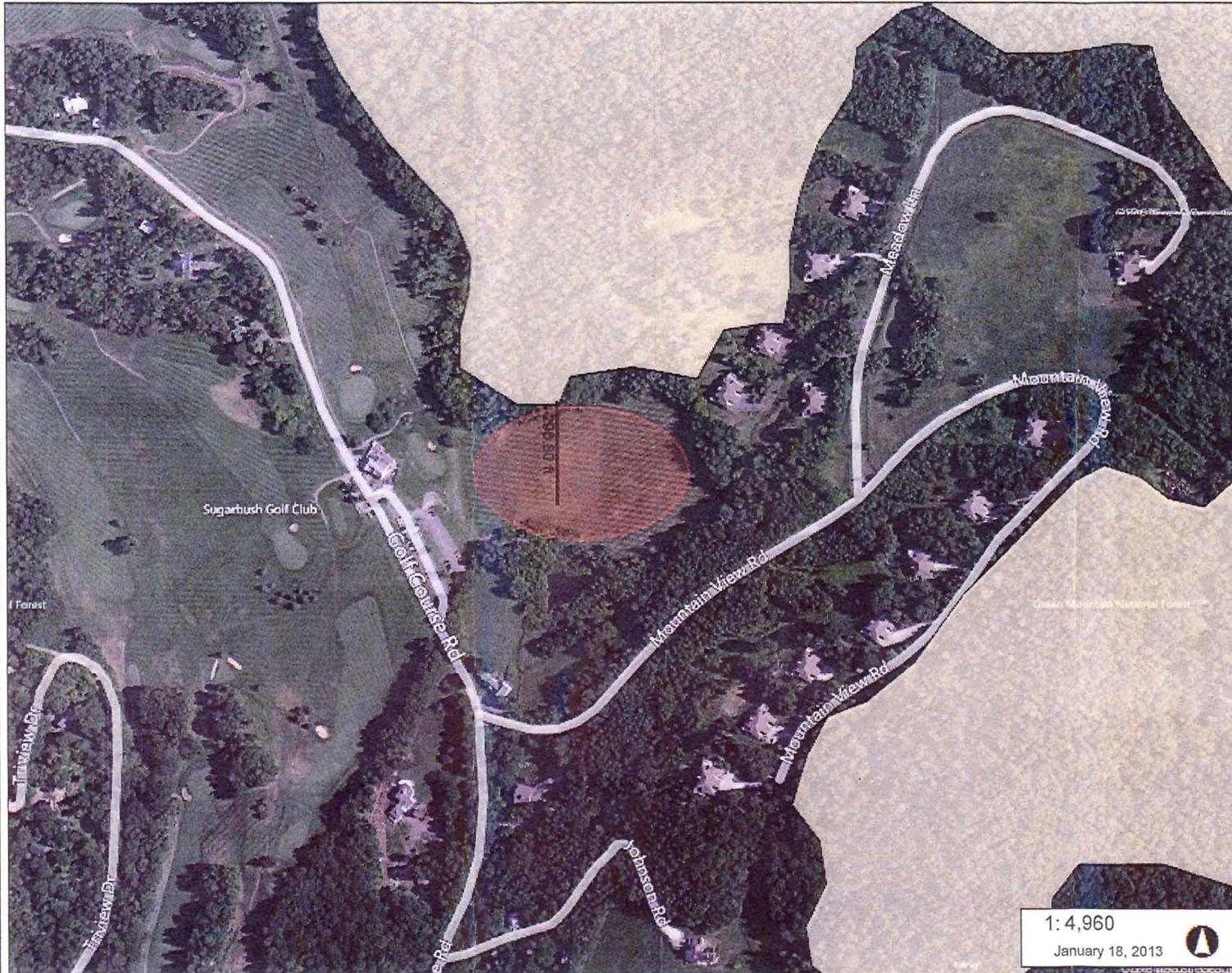
Elizabeth Lord, Land Use Attorney
ANR Office of Planning and Legal Affairs



Sugarbush Winter Drive Course Project Area

Vermont Agency of Natural Resources

vermont.gov



LEGEND

Deer Wintering Areas

NOTES

Approximate project area highlighted in red. Approximate 300 ft line shown from deer wintering area.
<http://anrmaps.vermont.gov/websites/anra/>

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

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January 18, 2013

