

Jay Fain
Principal
elmst@optonline.net

Victoria Landau
Principal, ASLA
vplandau@optonline.net

2000 Post Rd., Ste. 201
Fairfield, CT 06824
203-254-3156
jfassociates@optonline.net

November 11, 2024

Mr. Larry Burcroff, Chair
Salisbury Inland Wetlands and Watercourse Commission
27 Main Street
Salisbury, CT 06068

Re: Salisbury Winter Sports Association, #2024 -IW-027

Dear Chair Burcroff and Members of the Commission,

This letter report has been prepared on behalf of the Salisbury Winter Sports Association, (SWSA), in support of their current application to excavate a pond for water supply and snowmaking on their property located at 80 Indian Cave Road in the Town of Salisbury. In addition to this report, reference is also made to the previous "Project Narrative and Wetland Assessment" prepared by Jay Fain & Associates and dated July 2023. This report provides an ecological perspective and Wetland Functional Analysis and Impact Assessment on the construction of the proposed snow making pond and no additional information has been brought forward or circumstances have changed since that report was submitted in July 2023.

Project Need

The mission and objective of SWSA were brought forth in the 2023 report. Simply stated, because of changes in local climatic conditions, SWSA cannot depend on the amount and duration of natural snow cover for which to stage their events and needs to supplement its snow supply with man-made snow. This is not unusual and virtually every ski facility in the northeast has developed this capacity.

SWSA currently has snow making equipment and a water supply to make snow. To be clear, the facility has adequate water - what is inadequate is the instantaneous yield to properly supply the capacity of the snow gun. To address this deficiency, SWSA is proposing to excavate an approximately 1/4-acre pond in a disturbed wetland area immediately adjacent to the existing snow making facility. This will provide adequate instantaneous supply to supply the snow guns of just under 50,000 gal/day. Again, such facilities are not unusual and local ski areas Mohawk Mountain and Ski Sundown have such facilities, as well as virtually every golf course in the State. These ponds are generally located in, or adjacent to, wetlands/watercourse for the simple reason that that is where the water is.

Without the ability to provide snow in sufficient quantity, SWSA cannot continue to successfully operate and provide a world class Nordic Ski Jump facility.

Wetland Functional Assessment

The current proposal is to convert approximately 1/4-acre of *Phragmites* dominated swamp to an area of open water with an emergent marsh shelf. This is reduced from the original 2023 proposal to convert the entire 0.41-acre wooded swamp to open water and the current proposal is to confine the open water area to the vicinity of the currently impacted area by the invasive *Phragmites*.

Under the current proposal, no wetlands will be filled or eliminated – the plan is to simply convert a portion of the wooded swamp wetland to an area of open water. By doing this, no wetland functions would be lost - they would simply be shifted.

Wildlife habitat would be generally enhanced, the existing *Phragmites* dominated area provides no food value and the cover type provided is not conducive for most wildlife. The open water will provide a habitat type generally not found in the immediate geographic area. Waterfowl and shore birds may visit and use the area, and the habitat is ideal for wood duck breeding. Hooded mergansers are also associated with this type of habitat.

Wood turtles were previously identified as probable for this site and Dr. Michal Klemens has confirmed their use of the site. The presence of wood turtles demonstrates that SWSA's stewardship of the property is compatible with the wood turtle habitat requirements. Aside from a short period of time (approximately 6 weeks) when construction is occurring the management of the site will not change. During construction, turtle exclusion fences will be utilized to keep them from active areas and a daily perimeter inspection will be performed to ensure no turtles are present or entangled in the exclusion fences.

Water quality and water quantity function are likely to remain unchanged pre- and post- construction. Aesthetic values, although subjective, are likely to be enhanced with the elimination of the *Phragmites* and the recreational aspect has been thoroughly discussed.

Conformance with Section 10.2 of the Town of Salisbury IWWA Regulations

Section 10.2 of the Town of Salisbury IWWA Regulations provides Criteria for Decision to be considered by the Commission when evaluating an Application. In the opinion of the Applicant's Professional Environmental and Engineering Consultant, the instant application conforms as follows

- a. *The environmental impact....* – Environmental impact will be temporary only and only during the construction process which is estimated to take approximately six weeks. Temporary construction impact will be mitigated by the implementation of erosion and sediment controls and daily sweeps to protect wildlife.
- b. *The Applicant's purpose for and any feasible and prudent alternatives....* - At this point the Applicant's need has been well-established and serves a legitimate function and served to the community

Feasible and prudent alternatives have been considered and presented to the Commission, Pat Hackett P.E has provided an engineering analysis. In the context of wetland regulation, 'Feasible'

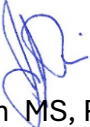
is defined as able to be constructed consistent with sound engineering principles. 'Prudent' is defined as economically and otherwise reasonable in light of the social benefits to be derived from the proposed activity. Cost may be considered, however, a mere showing of expense will not necessarily mean an alternative is imprudent.

It is the opinion of the Applicant's Professional Consultants that the instant proposal meets this criteria. Construction of a 0.41-acre pond has been considered and rejected due to potential impacts to the unaltered portions of the wetland. Implementing a hard engineering solution such as underground tanks or water tower is neither feasible or prudent due to the costs involved and also due to the large impact footprint.

- c. *Relationship between the short term and long term impacts...* - Potential impacts are considered short-term and only during the construction process,. These will be mitigated by erosion and sediment controls as well as daily wildlife surveys. Long-term the wetland will remain with increased viability.
- d. *Irreversible and irretrievable loss of wetland or watercourse resources* – there will be no net loss of wetland and no loss of wetland viability under the instant proposal. Mitigation measures include 1) erosion and sediment control, 2) Wildlife protection, 3) wetland enhancement plantings and, 4) an invasive plants species removal and management plan.
- e. *the character and degree of injury to, or interference with, safety, health or the reasonable use of property* – The instant proposal is consistent with the current management of the property and will not interfere with public safety or health and will insure the continued reasonable use of the property. SWSA will provide fencing around the pond for public safety, however fencing will be porous enough to allow wildlife use.
- f. *impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses* – the proposed pond is insular to the property and there is no potential for offsite impacts as long as erosion and sediment controls are adhered to.

In closing, we respectfully remind the commission that it has now received substantial input on the SWSA pond proposal from the Applicant's engineer, the Applicant's Environmental Consultant, and also from the Commission's own Engineer and Hydrologic Engineer. In no instance has any of the above identified experts provided any substantial evidence of short or long-term irretrievable or irreversible impact to the regulated wetland resource.

We look forward to providing testimony at the public hearing on Wednesday, November 13, 2024.


Jay Fain MS, PSS, CERP, CPESC


Victoria Landau RLA, ASLA