



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 8, 2020

Matthew F. Fuller, Esq.
Meyer, Fuller, and Stockwell, PLLC
1557 State Route 9
Lake George, NY 12845

LWCF Information

Action: Determination of Pre-Existing Use

Subject: Town of Johnsbury Transfer Station

Site Name(s): Ski Bowl Park

Grant(s):

#36-01088C (1985, Warren County)

#36-01217 (2007, Town of Johnsbury)

Dear Mr. Fuller,

We are in receipt of your letter of October 6, 2020 acting on behalf of the Town of Johnsbury.

Ski Bowl Park has received two LWCF grants, the first in 1985 and the second in 2007. As the Town is aware, the lands subject to the provisions of the Land and Water Conservation Fund (LWCF) Act of 1965, as amended, include not only those areas that were improved with these grant funds, but all areas of the outdoor recreation site as defined in the initial application, whether as drawn on a map or described in writing, and as controlled by the Town at the time. Areas within these bounds can only be removed from LWCF protection with the approval of the National Park Service (NPS), through the conversion process.

In 2015 a conversion was completed that involved the removal of an area along Route 28 and the inclusion of several ski trails. Upon completion, a team of OPRHP inspectors visited the site and noted that there was a transfer station at the end of Dump Road that had not been previously described. This constituted a non-outdoor recreation use within the LWCF recreation area, causing the Town to become non-compliant under LWCF, resulting in the withholding of grant funds under NYS EPF Grant #407083, and triggering the letter from OPRHP of January 23, 2019. While there has been correspondence and discussion on this matter since that time, we consider the October 6, 2020 letter from the Town to be a response to the January 23, 2019 OPRHP letter.

It is our understanding, based upon the "Closure Report for the Town of Johnsbury Landfill" provided by your office, that an approximately 11-acre landfill was opened in 1965 at the end of Dump Road, and which closed in 1990-91. It is our further understanding that, in the early 1990s, a transfer station opened within or adjacent to the former landfill site. Our office considers these uses to constitute a single sanitation area that, having been established prior to approval of the earliest LWCF grant to Ski Bowl Park, is allowable as a pre-existing use. As such, this site will no longer be considered in LWCF non-compliance.

If any actions are taken to alter the sanitation area beyond its use and bounds as they exist at the date of this letter, the Town must notify this office, which may request the involvement of the NPS. Alterations that must be brought to the attention of this office include, but are not limited to, proposals to reopen the landfill or to expand the transfer station. Standard operations and maintenance activities—such as rehabilitation of the transfer station and maintenance of the landfill envelope—need not be brought before this office.

This letter should be maintained by the Town alongside documents pertaining to Ski Bowl Park, the landfill, and/or the transfer station. We would also recommend that the Town request that the Warren County Real Property Tax Services tag all records for Ski Bowl Park in their real property GIS and database system(s) as being subject to LWCF provisions.

If you have further questions about LWCF, I can be contacted at (518) 474-8288 or by email at Diana.Carter@parks.ny.gov, or you may contact Ian Benjamin, Community Programs Coordinator, at (518) 474-0428 or Ian.Benjamin@parks.ny.gov.

Sincerely,



Diana Carter
Diana Carter
LWCF Alternate State Liaison Officer
Assistant Division Director for Planning
Division of Environmental Stewardship and Planning

CC:

I. Benjamin, OPRHP, LWCF Staff
A. Hogan, Town of Johnsbury, Supervisor
S. Jenkins, OPRHP, Regional Grants Administrator