



SENT VIA EMAIL ONLY

September 22, 2025

Ashley Walden
President/Chief Executive Officer
Olympic Regional Development Authority
37 Church Street
Lake Placid, NY 12946
awalden@orda.org

Re: Notice of Violation for the Unauthorized Expansion and Modification of Existing Structures and Improvements at the Whiteface Mountain Intensive Use Area

Dear President/Chief Executive Officer Walden:

The New York State Department of Environmental Conservation (DEC) is issuing this Notice of Violation to the Olympic Regional Development Authority (ORDA) for its violations of the Environmental Conservation Law (ECL) and Commissioner's Policy 78 (CP-78) by expanding and modifying improvements to existing structures and improvements at the Whiteface Mountain Intensive Use Area prior to execution of a signed Detailed Project Work Plan (work plan). DEC recognizes that ORDA is aware of these violations, that ORDA and DEC have been in communication about them, and that ORDA intends to fully cooperate with DEC in addressing the violations. Both parties recognize the importance of protecting the Forest Preserve and its natural resources, while also managing for recreational interests within the Whiteface Mountain Intensive Use Area.

Administrative Context and Background

The Whiteface Mountain Intensive Use Area (Whiteface) is located in the Town of Wilmington, Essex County within the bounds of the Adirondack Park. Article XIV Section 1 authorizes the construction and maintenance of twenty-five miles of ski trails and other facilities appurtenant to the operation of a ski facility at Whiteface. Whiteface is part of the Forest Preserve over which DEC has care, custody, and control pursuant to ECL Sections 9-0105, and 9-0109(4). As such, Whiteface is subject to the provisions of Article XIV Section 1 of the New York State Constitution, requiring that such lands "shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

In addition to the constitutional authorization for the construction and maintenance of certain ski trails, other public recreation is permitted at Whiteface pursuant to the classification as an Intensive Use Area within the parameters of the Adirondack Park State Land Master Plan (APSLMP). However, any such use must be consistent with Article XIV, an adopted Unit Management Plan (UMP), the ECL, and DEC regulations, policies, and procedures.

Under the terms of the 2015 Agreement Consolidating the Management Agreements for the Gore Mountain Ski Center, the Whiteface Mountain Ski Center and Memorial Highway, and the Mount Van Hoevenberg Recreation Area (Agreement) between the agencies, DEC delegated day-to-day management of Whiteface to ORDA, subject to specific terms and conditions.

Section 816 of the Adirondack Park Agency Act directs DEC to develop, in consultation with the New York State Adirondack Park Agency (APA), UMPs for each unit of land under its jurisdiction classified in the APSLMP. Consistent with the Agreement, ORDA must consult with DEC and APA to determine when an amendment to an UMP is required. In addition to UMPs, CP-78 requires a work plan for the “construction of new structures or improvements and the expansion of existing structures or improvements on the Forest Preserve.” A work plan is also required “when modifications of existing structures or improvements require tree cutting or significant earthwork.”

ORDA was issued State Pollutant Discharge Elimination System (SPDES) Permit No. NY0296660 on April 30, 2024. Part II.A.1. of the permit states “The permittee shall not commence construction activity, for an individual project identified in Part I.A. of this permit, until the authorization to discharge for that individual project under this permit goes into effect.” Part II.A.2 and Part II.A.2.d. of the permit states “Authorization to discharge under this permit will be effective, for an individual project identified in Part I.A. of this permit, when...The permittee receives the Individual Project SWPPP Certification and Acceptance Form (IPSCA), Appendix D, from the Department.”

Timeline of Relevant Events

On January 29, 2025, ORDA staff submitted a State Land Consultation Form to the APA to determine whether or not a UMP amendment would be required for this project, and whether the proposed activities conform with the APSLMP. By letter dated February 13, 2025, the APA informed ORDA that the temporary use of existing ski, mountain bike, and hiking trails for a downhill mountain bike racecourse would not require an amendment.

On August 11, 2025, the Individual Project SWPPP Certification and Acceptance Form pursuant to the SPDES permit was issued.

On August 20, 2025, a draft work plan prepared by ORDA for the “UCI Downhill World Cup Layout” at Whiteface was published in the Environmental Notice Bulletin (ENB). Pursuant to CP-78, public comments were accepted until September 3, 2025. The work plan included the following specifications.

The 2025 UCI Downhill World Cup mountain bike course will be established on existing mountain biking and hiking trails. The proposed course is within the footprint of existing improvements at Whiteface IUA. No new trail construction is proposed. All trails have been approved in previous unit management plan amendments. All construction of technical features will be done within the footprint of existing trails. Features that may interfere with the wintertime use of the facility will be removed. No tree cutting is proposed.

On September 8, 2025, following receipt of public comment, DEC staff sought more specific information on the details of the project from ORDA staff to determine whether a revised work plan may be required, or if the draft work plan could be finalized and the project commenced.

On September 12, 2025, ORDA staff relayed to DEC that certain facts related to the project had not been included in the draft work plan and published in the ENB, and that the project was nearly complete. On September 15, ORDA staff notified DEC that over 30 trees had been removed for various reasons and that certain trail corridors were expanded beyond the parameters in the draft workplan. This information was further confirmed by a site visit by DEC staff on September 18, 2025. ORDA was forthcoming, and without request from DEC, committed to document an accurate description of the project.

Compliance

Despite the efforts of ORDA to document the on-site specifics of the project, and to notify DEC of on-site activities, ORDA is in noncompliance with various provisions of the ECL, the Agreement, and CP-78 by proceeding with work relating to constructing and expanding existing trails without all necessary approvals.

Completing work without an approved work plan, and in a manner that was not set forth in the draft workplan, including the cutting of trees, contravenes CP-78. The obligation for the care, custody and control of the Forest Preserve consistent with Article XIV is paramount to DEC's mission. CP-78 is the vehicle whereby DEC provides transparency and public notice of the State's activities on the Forest Preserve.

In expanding the improvements without an approved workplan, ORDA also violated Article VII of Attachment 2 to the Agreement. Article VII(B) explicitly requires ORDA to "comply with all formal DEC policies or delegations affecting Unit Management Plan compliance by DEC." By cutting trees without DEC approval, ORDA further violated Article VII(C), which requires that "the cutting of trees associated with the implementation of management actions will be in accordance with the established policies and procedures of the Commissioner of Environmental Conservation."

ORDA violated ECL 17-0511 which prohibits point source discharges without SPDES permit coverage and without complying with all standards, criteria, limitations, rules and regulations promulgated or applied by DEC. Additionally, by commencing construction prior to DEC approval, ORDA violated 6 NYCRR 750-2.1(e) which requires a permittee to comply with all terms and conditions of a SPDES permit.

Resolution

For the purpose of ensuring these circumstances do not reoccur and that management actions are thoroughly reviewed and analyzed, please submit by November 7, 2025, a corrective action plan with a schedule that addresses, at a minimum, the following items.

1. Documentation of all work completed for the UCI Mountain Bike World Series downhill racecourse at Whiteface including the final build.
2. Development of a restoration plan that will bring all trails that exceed either the existing mountain bike guidance or the approved constitutional ski trails into conformance with applicable standards.
3. Appointment of a staff position to focus on work with DEC and APA staff on future facility development plans and projects and ensure compliance with legal requirements.
4. Mapping of all the constitutionally permitted ski trails at ORDA managed ski facilities on the Forest Preserve or Town owned lands using GIS, include these maps as reference for DEC and APA review in relation to all future workplans, and share this digital data in a format specified by DEC and APA.
5. Continued work with DEC to finalize an updated MOU, which will address areas of critical communication and project development.

DEC is committed to working collaboratively with ORDA to meet the expanding needs of ORDA to operate the ski facilities and to manage for other permissible forms of recreation. As a partner agency, DEC welcomes the opportunity to meet with ORDA to discuss management challenges and potential options for resolving them in a manner that is consistent with existing laws, regulations, policies, and procedures.

Please call me at (518) 897-1211 with any questions about this notice or to schedule the above referenced meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Zalewski". The signature is fluid and cursive, with a large initial "J" and "Z".

Joseph M. Zalewski, P.E.
Regional Director