



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
OFFICE OF THE COMMISSIONER
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June 30, 2023

Peter Disch, General Manager
Mount Sunapee Resort
PO Box 2021
Newbury, NH 03255

RE: Mount Sunapee Resort Annual Operating Plan 2023-2024

Dear Mr. Disch,

This letter provides you with conditional approval of the Mount Sunapee Resort (MSR) Annual Operating Plan 2023-2024 (AOP), dated May 15, 2023.

The Lease and Operating Agreement of 1998 (Lease 1998) enables the Operator, d/b/a Mount Sunapee Resort (MSR), “to manage and operate the Leased Premises as a public ski area and summer recreational facility to provide year-round outdoor recreational opportunities for the general public” and “shall entitle the Operator to the right to operate a commercial recreational recreational (*sic*) facility (including all of its support activities) on Mount Sunapee in the Towns of Newbury and Goshen” (Lease 1998, Part 4, Ski Area Operations, p. 4).

The Annual Operating Plan. Pursuant to the Lease 1998, Part 5, Annual Operating Plan, p. 4 “[o]n or before the 15th day of May during each year of this Agreement, the Operator shall submit to the Department of Natural and Cultural Resources (DNCR) an annual operating plan, including a schedule of the proposed days and hours of operation for the ski area, and a description of the types of recreational activities available to the public. The proposed schedule of operation shall be reviewed by DNCR and either approved as proposed or revised for resubmission. The DNCR shall notify the Operator in writing of a final schedule of operations no later than June 30th of each year.” The AOP 2023-2024 was delivered to the DNCR on May 15, 2023. The DNCR distributed the AOP to the Mount Sunapee Advisory Commission (MSAC) and posted a copy on the MSAC webpage.

The Mount Sunapee Advisory Commission (MSAC). The MSAC operates under the Public Involvement and Oversight Policy for Mt. Sunapee Ski Area (PIOP), dated August 31, 1998, and revised on December 3, 2018. The Lease Amendment approved by the Governor and Executive Council on December 19, 2018, codified the requirement that the Operator meet with the MSAC at the call of the Commissioner.

I called a meeting of the MSAC held on June 8, 2023. MSR presented its AOP and comments on the AOP were received from the MSAC and the public. We invited additional public comment to be submitted via email through June 22nd.

At the public meeting, MSR reported on its 2022-2023 winter operations, including its parking and traffic control strategies. I appreciate your commitment to collaborate with local and state safety officials, utilize effective traffic and parking operations, and implement a “Know Before You Go” communications plan that has improved the overall guest experience.

Conditional approval of the AOP. The DNCR has completed its review of Mount Sunapee Resort's Annual Operating Plan 2023-2024 (AOP), dated May 15, 2023. The activities in the AOP are consistent with the 1998 Lease and Lease Amendments, and the Master Development Plan and Environmental Management Plan 2020-2025 (MDP and EMP, respectively) that was approved by the DNCR on June 1, 2021. Comments received from the public, the MSAC, and the DNCR technical staff were considered. I am providing the MSR with written approval of the AOP 2023-2024, on the following basis and subject to the conditions herein:

- 1) The proposed schedule of operations for the ski area and the types of recreational activities available to the public are approved as proposed. I acknowledge that the MSR may not open certain areas and facilities or implement certain programs for the general public in response to health and safety reasons, compliance with government order, or for circumstances beyond the MSR's control, such as weather conditions.
- 2) The DNCR acknowledges that the MSR's summer and skier visitation data are a part of its accounting and financial reporting that is provided to the DNCR each year. In accordance with State law RSA 91-A:5, such confidential, commercial, and financial information is exempt from public release.
- 3) The DNCR acknowledges that the MSR has elected to decommission its Canopy Zip Line Tour from its summer recreational activities in the Adventure Park at the South Peak area.
- 4) The DNCR issues a Special Use Permit for the MSR's use of the Sun Bowl access road (AOP, p. 22). I wish to acknowledge and thank MSR for completing the repair of the Bowl Road at its own expense last summer. I appreciate that the MSR will continue to work with the Division of Parks and Recreation on maintaining the Sun Bowl access road.
- 5) The MSR will comply with the terms of the Lease, including LWCF requirements, as it pertains to Item 4, Resort Real Estate Sales (AOP, p. 22).
- 6) The DNCR recognizes the MSR's commitment to maintain water quality by using the guidelines provided in the NH Stormwater Manuals, DES and DOT Best Management Practices publications, and certification from the Green SnowPro Program (AOP, pp. 24-25 and pp. 31-33).
- 7) In its second year of improved waste sorting at Sunapee Lodge, the DNCR commends MSR's efforts to reduce its solid waste and achieving 60% reduction of waste to landfill year-over-year (AOP, p. 25).
- 8) The DNCR acknowledges MSR's responsive and collaborative action to address the vehicle traffic challenges of the 2021-2022 winter season. We continue to support MSR's traffic congestion mitigation measures outlined in the AOP on pp. 25-27 and pp. 41-44.
 - a) As requested by Mr King, MSR will provide DOT with traffic data collected from Routes 103A and 103B.
- 9) The MSR will continue to collaborate with the NHB on a mowing schedule to protect the greater fringed-gentian population, the Loesel's wide-lipped orchid population, and the northern tubercled bog-orchid population (AOP, pp. 28-29). The mowing recommendations outlined in the NHB memo titled *Rare plant observations in 2022 at Mount Sunapee Resort*, dated December 28, 2022, is incorporated herein by reference.

- 10) The DNCR appreciates the partnership between the MSR and the Lake Sunapee Protective Association (LSPA) in the management of the Lake Sunapee watershed. The DES Watershed Assistance Grant project completed in 2022, slowed runoff, restored erosion occurring along parking lot #1 and Beck Brook, and improved fish habitat (AOP, p. 30).
- 11) The MSR continues to update its signage to include the NH State Park logo in recognition of its partnership with the State. The MSR has worked with the DNCR to ensure compliance with the federal LWCF program for any strategic partnerships with other businesses that incorporate onsite displays or signage (AOP, p. 34). This effort is ongoing.
- 12) The maintenance and improvement projects planned under the AOP 2023-2024 timeframe (AOP, p. 38) meet the Lease requirements that the “Operator shall maintain the Leased Premises in first class condition... shall undertake all maintenance of the facilities, lifts, trails, slopes, ponds, water courses, buildings, structures, roadways and other appurtenances, and housekeeping in all areas of the Leased Premises” (see 1998 Lease, Part 16 Maintenance, p. 8).
 - a) The construction of Parking Lot #4 was proposed in MSR’s 2000-2004 MDP and approved by Commissioner George Bald on September 19, 2000. The MSR brought forward its Parking Lot #4 project in its AOP 2022-2023, which DNCR approved on June 30, 2022.
 - i) As requested by DNCR, the MSR evaluated and documented its primary goals of establishing Parking Lot #4, see AOP p. 27.
 - ii) In its evaluation of the existing parking infrastructure and potential impacts to wetlands, MSR is reducing the size of Parking Lot #4 and expanding Parking Lot #2 that is located on drier ground.
 - iii) MSR will obtain all required federal, state and local permitting and approvals required for Parking Lot #2 and Parking Lot #4. DNCR, as the landowner, shall review and approve DES and DOT permits.
 - iv) MSR will provide updated site plans for Parking Lot #2 and Parking Lot #4 for DNCR’s review and approval, including compliance with the LWCF program.
 - v) MSR will continue its commitment to maintain water quality during any approved construction activities and in the maintenance and operation of the parking lots, including but not limited to snowplowing and salt use, drainage and erosion control, and stormwater management.
- 11) The MSR will obtain any and all required federal, state and local permitting and approvals as may be required for its projects.
- 12) The DNCR acknowledges that projects that were approved by the DNCR in previous AOP’s and listed on page 39, will not be undertaken by the MSR the 2023-2024 AOP.
- 13) The conditions for approval of projects proposed in previous AOPs, MDPs and EMPs shall remain in effect.
- 14) The approval of this AOP does not supersede any conditions of the 1998 Lease, the Lease Amendments (approved by Governor and Executive Council on December 19, 2018, Items #A, #B, and #C), and/or the MDP, all of which shall prevail.

As required under the 1998 Lease, the DNCR will conduct its annual inspection of the leased premises (Lease 1998, Part 16, Maintenance, p. 8).

As of December 2022, the State has received \$4,803,085 in cumulative base fee payments and \$8,207,327 in cumulative commission payments in accordance with the 1998 Lease, Part 3, Rent, p. 3. As provided in the 1998 Lease, Part 19, Inspection of Operator's Records, p. 9, the State requested and audited the accounting records of Mount Sunapee Resort in 2012, 2014, 2017, 2019, 2020, 2021, and 2022, and determined that MSR complies with the terms and conditions of the Lease agreement.

Thank you for the time and attention that Mount Sunapee Resort has given to the AOP 2023-2024. On behalf of the State of New Hampshire, I look forward to our continued partnership with the Mount Sunapee Resort as an important part of Mount Sunapee State Park: providing a premier year-round recreational venue to the citizens and visitors of New Hampshire.

Sincerely,



Sarah L. Stewart
Commissioner

cc: Mount Sunapee Advisory Commission

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