



**BLUE MOUNTAIN**  
P.O. Box 216  
Palmerton, PA 18071  
(610)826-7700

---

February 28, 2012

The Honorable Tom Corbett  
Governor of Pennsylvania  
225 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Governor Corbett:

Blue Mountain Ski Area (BMSA) in Palmerton, Pennsylvania has been in business since 1977 when it opened with 3 trails and 1 lift. The Tuthill and the Ebert families have grown the ski area to its present-day size of 39 trails and 13 lifts. The resort serves over 400,000 visitors per year during the winter (48% come from outside of Pennsylvania), **employs 30 full-time and 1000 seasonal employees**, and is the **2<sup>nd</sup> largest employer in Carbon County**, which is experiencing over 12% unemployment.

In June 2009, the families decided to invest and expand the resort by building an outdoor waterpark, Summit Splash at Blue Mountain. Below is a description of the development hurdles this family-owned small business has had to go through to not only expand an existing business, but also to **provide an additional 70 full-time and 400 seasonal employment positions** in a county that needs jobs. **I am writing this letter to open discussions as to how to improve the process developers need to go through in the state of Pennsylvania, the county, and the township.**

Please also find attached a timeline of the development events. **Since the initial investment in June of 2009, there have been five major development delays;** two with Pennsylvania Department of Transportation District 5 (Penn DOT), two with the Pennsylvania Department of Environmental Protection (DEP), and one with Lower Towamensing Township.

#### **Pennsylvania Dept of Transportation District 5**

---

##### **Issue 1 – Traffic Study (9 month delay – approximately \$150,000 of additional cost)**

Our first application for a new entrance into the resort was rejected in December 2009 because we did not submit a traffic study with the application. Lehigh Engineering prepared the traffic study and submitted the study to Penn Dot in the beginning of

February, 2010. The study was based upon our traffic in the winter (400,000 visitors) and the feasibility study that was done for the project by a Waterpark Industry Expert (the same expert that did the feasibility study for Camelbeach), which indicated we expect 200,000 visitors at the waterpark as designed. Penn Dot rejected this study in June 2010, 3 months after the study was submitted. Penn Dot suggested that since we had a nearby waterpark to study, that we should do counts at Camelbeach to support the study. **The counts were done in August, they supported the assumptions we made in the original study in February, and we resubmitted our application in late August. Penn Dot accepted this new study in September. The project was delayed about 9 months due to the requirement to count cars at a competitor, a requirement we were not made aware of by Penn Dot in the initial December 2009 rejection.**

#### **Issue 2 – Bike Path (5 month delay – approximately \$75,000 additional cost)**

In February, 2011 Penn Dot issued a review letter. One review comment stated that Blue Mountain Drive was a designated Pennsylvania bike path and therefore the shoulders need to be 8ft instead of 4ft which is how they were drawn on the submitted plans. **The plans submitted in September 2010 documented that this was a bike path, and Penn Dot did not raise this issue until 5 months after our original submission in the February review letter.** We had an onsite meeting in May to discuss this issue as well as other issues from the review letter. After that meeting, Penn Dot requested alternative driveways be shown. To clear this item, we had to document why the location was selected and we requested and received a letter from the neighboring land owner indicating that they would not allow the widening to 8ft. Five months after our May meeting, in October 2011, Penn Dot agreed to keep the shoulders at 4 ft.

#### **Pennsylvania Dept of Environmental Protection (DEP)**

---

#### **Issue 1 – Bog Turtle Study (12 month delay – approximately \$50,000 additional cost)**

There are wetlands on part of the site. We had a meeting with DEP in March 2010 talking about the site and its issues. In order to submit an application for a permit to mitigate the wetlands, we had to do some plant studies first. **In an email dated June 23, 2010, DEP indicated that we did not have to do a bog turtle study at this site.** We had finished another bog turtle study at the bottom of the mountain 12 months prior to this email with no bog turtle results. Also, the site for the water park is at the top of the mountain and is not near a stream which is the preferred habitat of bog turtles. Our application was submitted in September of 2010. **Five months after DEP's email, on November 23, 2010, DEP declared our application administratively incomplete because there was no bog turtle study.** Because bog turtle studies must occur in summer months, we had to wait until June to do the bog turtle study and then resubmit the application. **Our application was declared**

administratively complete on September 7, 2011, twelve months after the first submission.

**Issue 2 – Technical Review (? month delay – ? additional cost)**

We received a letter on February 21, 2012, indicating our application had significant deficiencies. There were four comments on the letter with the first three stating that the alternatives analysis is incomplete and/or another agency believes there are other alternatives to those presented. Our pre application meeting with DEP was March 4, 2010 and these concerns were not brought up then. It has taken nearly two years to get a letter from them stating they do not approve of the selected location.

**Lower Towamensing Township**

---

**Issue 1 – Storm Water Rational Method (5 month process – approximately \$75,000 of additional cost)**

The site plans were sent to the Township on June 1, 2010. The Township engineer issued his comments on June 24, 2010. Lower Towamensing SALDO requires the use of “TR-55 for stormwater management, a PA Law. We submitted our plans using the rational method for calculation of storm water which is accepted by DEP and Penn Dot. **The TR-55 method resulted in a 2.4 acre retention pond instead of the 1.4 acre pond under the rational method.** The site would lose an additional 1 acre of trees for a potential 100 year storm on some of the flattest part of the property. **With the assistance of the township engineer, the site plans were redone in their entirety to allow for pervious construction.** On November 24, 2010, the site plans were resubmitted. Lower Towamensing gave preliminary approval to the project on January 14, 2011.

**The Way Forward: Opening Dialogue to Improve Pennsylvania’s Development Process**

---

I am writing asking for your help to improve the development process in our state as well as help us complete the permitting process for Summit Splash **in a timely manner.** The resort’s development every year keeps our 30 full-time employees busy. **With the current permitting process, this is becoming impossible to manage and maintain. If we don’t receive the permits soon, we may have to add to the unemployment rolls.** My father started the business 35 years ago and if all the regulation and agencies that are in place today existed then the ski area simply would not exist.

I agree that our government agencies should be keeping our roads safe, the environment clean, and the storm water from affecting our neighbors, but the reviewing agencies should assist the developers in achieving development goals at a reasonable cost (we have already spent over \$1 million in soft costs) so businesses can continue to grow, innovate, and provide jobs for the community. For the sake

of American jobs and for the sake of the American entrepreneurial spirit, I ask the agencies to consider the overall economic as well as the social impact of the projects submitted for permitting. I appreciate your time and I am asking for a meeting so we can open up and begin a dialogue on these important issues.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Green".

Barbara Green  
President, Blue Mountain Ski Area

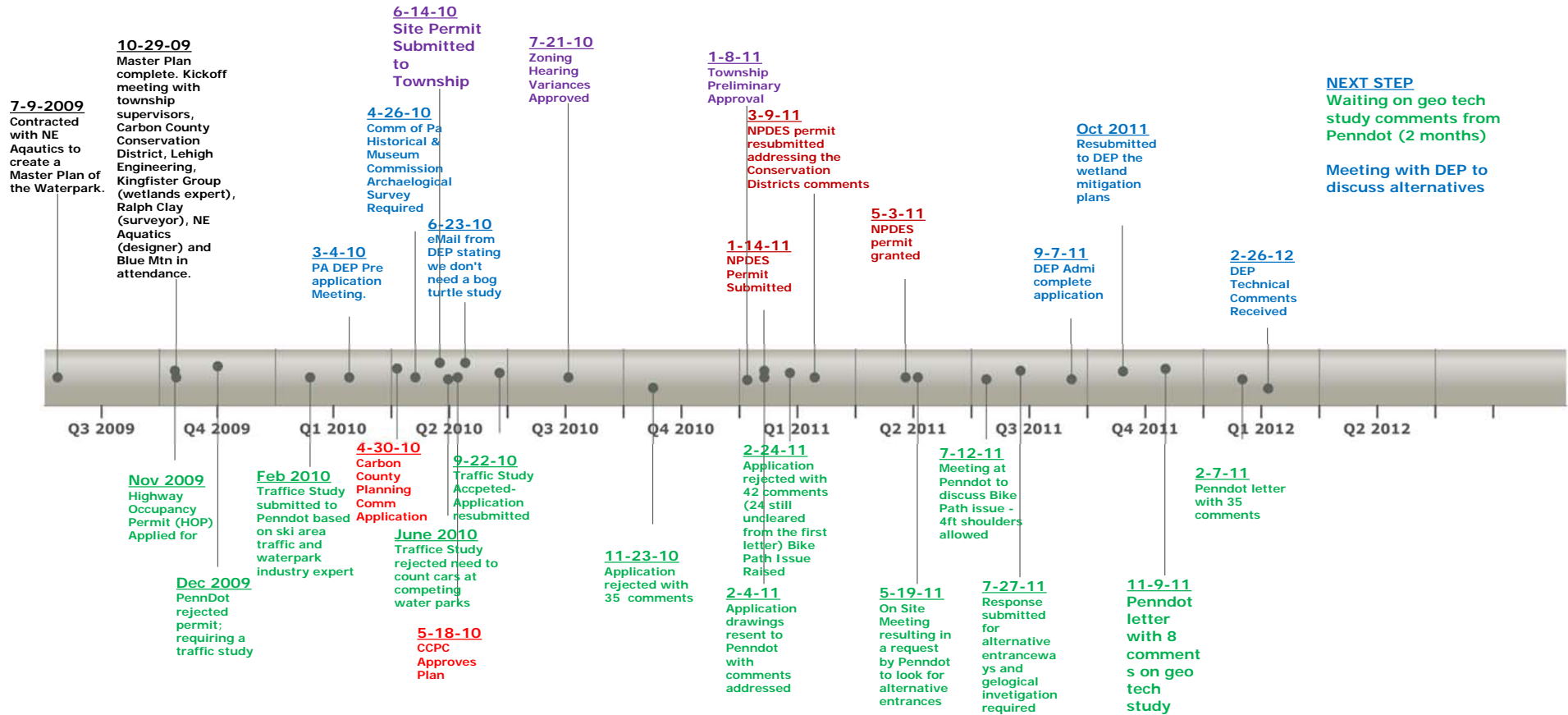
cc: Barry J. Schoch  
Secretary of Transportation Commonwealth of Pa  
Keystone Building  
400 North Street  
Harrisburg, PA 17120

cc: Michael Krancer  
Secretary  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

cc: Alan Walker  
Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street - 4<sup>th</sup> Floor  
Harrisburg, PA 17120

cc: Board of Supervisors  
Lower Towamensing Township  
595 Hahns Dairy Road  
Palmerton, PA 18071

## DEVELOPMENT HISTORY OF SUMMIT SPLASH AT BLUE MOUNTAIN



**NOT FOR CONSTRUCTION**

NO.	ISSUED	DATE
1	Design Development Progress	02-09-10
2	100% Design Development	02-22-10
3	40% Construction Documents	03-17-10
4		
5		
6		
7		
8		
9		
10		
11		
12		

STAMP

PROJECT TITLE  
**BLUE MOUNTAIN PROPOSED WATER PARK**  
PALMERTON, PA

SHEET TITLE  
**Master Plan Phase 1**

SCALE AS NOTED PROJECT NO. N-328  
DRAWN BY KC DRAWING NO.  
CHECKED BY WSK  
DATE 03-17-10  
**SP-0.0**



Master Plan  
Scale: 1" 60'-0"

**MINI MINERS BABY POOL (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	700 SQ.FT.
2	WATER VOLUME	700 CU.FT.
3	CAPACITY	5,236.7 GALLONS
4	PERIMETER OF POOL	85'-0"
5	MAX. NUMBER OF PEOPLE	47

**MINER ANIMAL CHARACTERS' SPRAY DECK (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	3,365.5 SQ.FT.
2	WATER VOLUME	1,336.7 CU.FT.
3	CAPACITY	10,000 GALLONS
4	PERIMETER OF POOL	238'-4"
5	MAX. NUMBER OF PEOPLE	224

**ENTRANCE FOUNTAIN (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	550 SQ.FT.
2	WATER VOLUME	550 CU.FT.
3	CAPACITY	4,115 GALLONS
4	PERIMETER	42'-0"
5	MAX. NUMBER OF PEOPLE	-

**APPALACHIAN WAVES MINI WAVE POOL (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	POOL WATER SURFACE AREA	3,990 SQ.FT.
2	POOL WATER VOLUME	12,000 CU.FT.
3	POOL CAPACITY	89,775 GALLONS
4	PERIMETER	467'-6"
5	SLIDE SECT (3) WATER VOLUME	1,046 CU.FT.
6	SLIDE SECT (3) WATER CAPACITY	7,826 GALLONS
7	TOTAL CAPACITY	97,601 GALLONS
8	MAX. NUMBER OF PEOPLE	20 - RIDERS

**LIL COAL MINERS BEACH ENTRY POOL (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	1,900 SQ.FT.
2	WATER VOLUME	1,900 CU.FT.
3	CAPACITY	14,214 GALLONS
4	PERIMETER OF POOL	168'-0"
5	MAX. NUMBER OF PEOPLE	127

**COAL SHOOT'S GANG SLIDE POOL (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	1,100 SQ.FT.
2	WATER VOLUME	2,200 CU.FT.
3	CAPACITY	16,468 GALLONS
4	PERIMETER OF POOL	123'-0"
5	MAX. NUMBER OF PEOPLE	73

**STEEL MILL WAVE POOL (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	14,750 SQ.FT.
2	WATER VOLUME	44,362 CU.FT.
3	CAPACITY	331,675 GALLONS
4	PERIMETER	657'-0"
5	MAX. NUMBER OF PEOPLE	983

**UPPER LEHIGH CANAL LAZY RIVER (PH 1)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	26,240 SQ.FT.
2	WATER VOLUME	65,600 CU.FT.
3	CAPACITY	490,754 GALLONS
4	LENGTH	1,100'-0"
5	MAX. NUMBER OF PEOPLE	1,749
6	TURNOVER	112 MINS
7	RECIRCULATION FLOW RATE	4,380 G.P.M.
8	FILTER	HPSB-82-73 (4)

**MILL FACTORY ACTIVITY POOL (ON ISLAND)**

ITEM	DESCRIPTION	AMOUNT / RATE
1	WATER SURFACE AREA	1,150 SQ.FT.
2	WATER VOLUME	1,657 CU.FT.
3	CAPACITY	12,397 GALLONS
4	PERIMETER OF POOL	116'-6"
5	MAX. NUMBER OF PEOPLE	77

**SITE DATA**

TOTAL LIMIT OF WORK	19.8 ACRES
TOTAL LIMIT OF WORK (EXCLUDING ENTRANCE ROAD & PARKING)	16.7 ACRES
PERVIOUS AREA (EXCLUDING POOLS)	8.7 ACRES
IMPERVIOUS AREA (INCLUDING ENTRANCE ROAD & PARKING) (EXCLUDING POOLS)	9.8 ACRES
FOUNTAINS & POOLS	1.3 ACRES