

### **EXHIBIT 3**

The SDEIS and this FEIS were preceded by the environmental review of the original project. For that project, NYSDEC as SEQRA lead agency issued a determination of positive significance, requiring that a Draft Environmental Impact Statement (DEIS) be prepared for the original Belleayre Resort Project. The NYSDEC conducted a public scoping of the project giving the public and other involved and interested agencies the opportunity to submit comments orally at a number of public scoping meetings, as well as an extended period of time to submit written comments. The scope was approved by the NYSDEC on November 3, 2000. The preparation of the DEIS, as well as its review by the NYSDEC staff and other involved agencies such as the Towns and NYCDEP, resulted in numerous resubmissions of the DEIS. A determination of completion of the DEIS was issued by NYSDEC on December 10, 2003.

The Notice of Legislative hearing, dated December 5, 2003 was issued by NYSDEC and public hearings were held on January 14, January 20, February 3, and February 19, 2004. The written public comment period closed on April 23, 2004. An issues conference was convened on May 25, 2004 before Administrative Law Judge Richard Wissler and it was continued on seventeen subsequent days concluding on August 26, 2004. The parties to the hearing included the applicant; NYSDEC staff; NYCDEP staff; the Catskill Preservation Coalition (comprised of the Catskill Center for Conservation and Development, Riverkeeper, Inc., Natural Resources Defense Council, Inc., Trout Unlimited, Friends of Catskill Park, Zen Environmental Studies Institute, Pine Hill Water District Coalition, Catskill Heritage Alliance, Theodore Gordon Flyfishers and N.Y.P.I.R.G.) and the Sierra Club; the Coalition of Watershed Towns, Delaware County and the Towns of Middletown and Shandaken. The Town of Shandaken Town Planning Board filed a petition for party status but did not participate in the issues conference. The Watershed Inspector General was granted Amicus Status. The transcript of the issues conference proceedings and the exhibits were extensive. After the close of the issues conference various motions were made to reopen the proceedings to add additional information. Briefs and reply briefs were submitted by the participants. ALJ Wissler issued his Rulings on Party Status and Issues to be Adjudicated on September 7, 2005. Appeals to the Commissioner were filed by several of the parties to the hearing which were addressed in an Interim Decision dated December 29, 2006 by Deputy Commissioner Carl Johnson.

Exhibit 3 contains the public comments, legislative public hearing transcripts, issues conference transcripts, issues conference exhibits, and filings for petition status related to the Draft Environmental Impact Statement. The Public Comment and Response Matrix shows how all public comments were either eliminated by project changes or addressed in the issues conference record or the SDEIS.

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