

For that reason, the site topography, soils and hydrology are relevant, likewise the site biology, and I do have a witness available. I can't imagine that there will be a lot of questions to ask him, but since we're talking about the baseline existing characteristics of the site, if you want to proceed at this time --

THE HEARING OFFICER: All right, I'll take Dr. Reinhardt at this time.

MR. KAFIN: It's Dr. (application pending).

THE HEARING OFFICER: Right. When I knew him I always thought he was a doctor. All right, Mr. Reinhardt. Let the record show I last saw Mr. Reinhardt in 1970 in California. Since that time from his biography, it appears he's done considerably more work.

Mr. Reinhardt, do you have any objection to testifying under oath?

MR. REINHARDT: No, sir.

THE HEARING OFFICER: Will you raise your right hand and be sworn.

ROBERT DENNIS REINHARDT,  
called as a witness for and in behalf of the  
Applicant, having been first duly sworn, was  
examined and testified as follows:

THE HEARING OFFICER: All right.  
Would you give your full name and address to the  
Reporter.

THE WITNESS: Robert Dennis  
Reinhardt, 28 Burnham Road, Stoneham, Massachusetts.

THE HEARING OFFICER: At the  
present time, are you employed by Sasaki Associates,  
Incorporated?

THE WITNESS: I am.

THE HEARING OFFICER: Did you  
participate in the preparation of any portion of  
the project application submitted herewith which is  
the subject matter of these hearings?

THE WITNESS: I did.

THE HEARING OFFICER: And if I  
were to ask you to testify thereon, would you be  
willing and able to do so today?

THE WITNESS: Yes.

THE HEARING OFFICER: All right.

I'm going to show you Exhibit 761119:61, a brief summary of your educational background and professional experience, including publications and reports, and ask you if that is substantially accurate and correct.

THE WITNESS: It is.

THE HEARING OFFICER: And are there any additions or corrections you wish to make in them?

THE WITNESS: They would be irrelevant.

THE HEARING OFFICER: All right. Now, in view of the extensive discussion of professional experience that occurred with prior witnesses yesterday, I'm going to conduct a preliminary voir dire in view of the extensive list of publications which I assume you have not brought with you, and the summary of your professional experience, I'm going to ask you to identify for us by going through in serial order, which if any projects you have participated in and which, if any, publications or reports you have participated in the preparation of or prepared that you feel are directly relevant

to the subject matter of this application.

THE WITNESS: A clarification.

Are you referring to a chronological order through the Page 5 publications and reports?

THE HEARING OFFICER: The whole thing starting with professional experience.

THE WITNESS: On Page 1, State Park at Rockwood Hall.

THE HEARING OFFICER: All right, and in what way was your work involved in consideration of the State Park at Rockwood Hall similar to or related in any way to the subject matter of your work on this project?

THE WITNESS: The product of that work was an environmental assessment under the assumption of the NEPA, though not directly. My own participation was in terms of managing the scientific input to the study and in scoping the study with respect to the estuarine scientific studies under SEQR.

THE HEARING OFFICER: Was the project completed?

THE WITNESS: The project has not

been built.

THE HEARING OFFICER: All right.  
Was your report accepted and reviewed?

THE WITNESS: The report has been  
accepted and has been reviewed.

THE HEARING OFFICER: All right.  
Were there any criticisms directed to your portion  
thereof?

THE WITNESS: Yes.

THE HEARING OFFICER: Did you  
make any modifications or changes therein as a  
result thereof?

THE WITNESS: Yes, I did.

THE HEARING OFFICER: And --

THE WITNESS: We did.

THE HEARING OFFICER: Has the  
report been resubmitted?

THE WITNESS: Yes, it has.

THE HEARING OFFICER: Has it been  
accepted as resubmitted?

THE WITNESS: It has been  
accepted as resubmitted. It has been accepted as  
a draft environmental assessment by the New York

State Office of Parks and Recreation.

THE HEARING OFFICER: Has it been -- has your work thereon as reported therein been challenged as revised?

THE WITNESS: No, sir.

THE HEARING OFFICER: All right.

Now --

THE WITNESS: Not to my knowledge.

THE HEARING OFFICER: Next.

THE WITNESS: Marco Island, Florida, just beyond the midpoint of the first page.

THE HEARING OFFICER: Yes.

THE WITNESS: My participation was to develop for the client group which included the Environmental Defense Fund, Conservation Fund, Audubon Society, an alternative to the proposed activities on Marco Island, Florida, as a component of a set of hearings directed by the United States Army Corps of Engineers.

THE HEARING OFFICER: All right. What was the conclusion of that hearing?

THE WITNESS: Conclusion of those hearings was a recommendation by the Corps Hearing



Officer and the ultimate agreement by the Army echelon to deny two of the three permits as proposed by Deltona Corporation.

THE HEARING OFFICER: Were these recommendations by the Corps of Engineers consistent with your recommendations?

THE WITNESS: Yes, they were.

THE HEARING OFFICER: All right, next.

THE WITNESS: Continuing on the second page, Little River Hydrologic Investigation.

THE HEARING OFFICER: All right, and what did you do there that's similar to here?

THE WITNESS: Assisted in the ecologic aspects of the study to determine the water quality effects of proposed plans by the Massachusetts DPW to widen Interstate 95 and the engineering work attached thereto with a finding that the -- in the review study, the finding that the DPW's proposed plans were essentially in agreement with water quality standards to be maintained in the Artichoke Reservoir.

THE HEARING OFFICER: Was the plan

implemented?

THE WITNESS: The plan is currently being imple ... is in implementation right now, but I'm not sure how far.

THE HEARING OFFICER: All right. Was the report you prepared accepted?

THE WITNESS: Yes, it was.

THE HEARING OFFICER: Did you subsequently have to modify it anyway?

THE WITNESS: Yes, we did.

THE HEARING OFFICER: Was the modification as a result of challenges and questions raised to the initial report?

THE WITNESS: Yes.

THE HEARING OFFICER: And as modified has it since been accepted?

THE WITNESS: May I inquire of -- yes, I see a node, yes. It has been accepted.

THE HEARING OFFICER: All right. Any further challenges to your report?

THE WITNESS: None that I'm aware of.

THE HEARING OFFICER: O.K. Fine.



Next?

THE WITNESS: The Vassar Farms, fourth entry on the second page.

THE HEARING OFFICER: All right.

THE WITNESS: Where I participated in a site planning environmental assessment, environmental evaluation of a 500-acre parcel for a mixed program by Vassar College to develop and protect their 500-acre farm reserve.

THE HEARING OFFICER: All right.  
Was that project accepted?

THE WITNESS: The report?

THE HEARING OFFICER: Implemented?

THE WITNESS: The reported has been accepted and implemented as policy by the Vassar trustees.

THE HEARING OFFICER: All right,  
next?

THE WITNESS: The last entry on the second page, research associated with Lake Tahoe where I participated in the definition of a series of socioeconomic and biophysical studies conducted by the Universities of California at Davis and

Berkeley in conjunction with planning activities by the Lake Tahoe Regional Planning Agency.

THE HEARING OFFICER: How long did that project last?

THE WITNESS: As a portion of the large project funded by NSF, my participation was over a period of two and a half years in the project. The project itself has been under way for some time.

THE HEARING OFFICER: All right. That particular project considered, among other things, the impact on lake water quality of development both in the sense of tourism and recreational use as well as second-home development, permanent home development in the surrounding watershed region, did it not?

THE WITNESS: Yes, it did.

THE HEARING OFFICER: And as a result of that, the Lake Tahoe Regional Planning Agency has implemented certain regulations regulating land use in the region, has it not?

THE WITNESS: Yes, they have.

THE HEARING OFFICER: And in your

opinion, do those regulations contain the potential for protecting the water quality of Lake Tahoe?

THE WITNESS: I could not answer that question directly with a yes or no answer.

THE HEARING OFFICER: Did you furnish the Lake Tahoe Regional Planning Agency with criteria or guidelines for land use regulation consistent with the maintenance of water quality in Lake Tahoe?

THE WITNESS: Yes, we did.

THE HEARING OFFICER: All right, and it's implemented by the appropriate legislation, was it your considered professional opinion that they would, in fact, project the water quality of the Lake Tahoe watershed area?

THE WITNESS: Yes.

THE HEARING OFFICER: In the course of your investigation and work with Sasaki Associates in this particular project -- when I say "project" now I use the entire or I'm referring to the entire 1980 Winter Olympics Project -- do you or did you consider the effects of land use development associated with the 1980 Winter Olympics and subsequent thereto on the environmental values in the

Winter Olympics, how long have you been actively involved?

THE WITNESS: Since the first day of February 1976, I believe that was the initiation of our initial contract work, but my participation goes back earlier than that with prior visits to Lake Placid.

THE HEARING OFFICER: And in the course -- approximately how many prior visits to Lake Placid did you make?

THE WITNESS: Two.

THE HEARING OFFICER: Did you participate in any --

MR. HANNA: Excuse me, I didn't hear the answer.

THE HEARING OFFICER: "Two."

Did you participate in any way in consideration of the criteria for site selection and/or site development of any of the Olympic facilities.

THE WITNESS: Yes, I did.

THE HEARING OFFICER: And did you, in particular, consider site selection criteria or

site development criteria with reference to the application for a project permit for the 90- and 70-meter ski jump facilities?

THE WITNESS: Yes, I participated in that activity.

THE HEARING OFFICER: Are you familiar with the criteria selected by the project applicant?

THE WITNESS: I am reasonably familiar with them.

THE HEARING OFFICER: Are you satisfied with those criteria professionally?

THE WITNESS: Yes.

THE HEARING OFFICER: All right. Did you subsequently consider the implementation of those criteria to the extent of the choice of the particular site proposed for the 70- and 90-meter ski jump facilities at Intervale?

THE WITNESS: Yes, I did.

THE HEARING OFFICER: And can you give us an opinion with a reasonable degree of professional certainty as to whether or not, in your opinion, those criteria were met by the choice

of the Intervale site.

THE WITNESS: My professional opinion is that the Intervale site meets substantially the criteria that were established within the context of the study.

THE HEARING OFFICER: All right. In the course of your regular professional activities -- withdrawn. Your original degree in 1959 was in biology, was it not?

THE WITNESS: Yes, that's true.

THE HEARING OFFICER: And subsequently in 1961 from the, again, California State University at Fresno you received a Master's Degree in biology and ecology, is that correct?

THE WITNESS: Correct.

THE HEARING OFFICER: Thereafter, did you conduct investigations in ecology?

THE WITNESS: Yes.

THE HEARING OFFICER: And did you participate in what we now refer to as systems ecology?

THE WITNESS: Yes.

THE HEARING OFFICER: And in the



In those cases, could you ascertain the source of the error?

THE WITNESS: I believe that with subsequent study -- in some cases subsequent study was not conducted -- but that with concentrated subsequent study that, yes.

THE HEARING OFFICER: All right. Do you believe that as a result of this experience from 1961 through the present time, you're in a position to evaluate the probability of accuracy of your assessments of environmental impact on regional ecological systems?

THE WITNESS: Yes, to the extent that is logically possible to make such projections.

THE HEARING OFFICER: All right. Now, in this particular study you conducted for Sasaki Associates, what was your official function?

THE WITNESS: I -- I appeared in the document as -- in the NEPA document as project economist, and I earlier participated in the activity by aiding in the preparation of a scope of work, defining study elements, in particular those that relate to the -- well, I should not say in

THE HEARING OFFICER: And did you consider the system from the point of view of definition as the existing abiotic and biotic systems together with their appropriate interaction?

THE WITNESS: To a limited extent, yes.

THE HEARING OFFICER: All right.

THE WITNESS: I would call it a --

THE HEARING OFFICER: What were the criteria for determining your limitations thereon?

THE WITNESS: Criteria were based in part on a definition of the size of the region, in part on the criteria already established by interpretation of law and administrative guidelines of the agencies involved in this area.

THE HEARING OFFICER: All right.

THE WITNESS: I would say --

THE HEARING OFFICER: Would you indicate for us your understanding of the size of the Region, with a capital "R", involved in the scope of your project?

THE WITNESS: Well, my understanding

of the size of the critical Region is the Adirondack Park. However, a super region, I estimate, extends well beyond that to include major centers -- Montreal, Albany, other centers outside of the Adirondack Park. I would not at this point be prepared to define the scope of that.

THE HEARING OFFICER: Limiting your consideration to the Adirondack Park as a region, can you give us an opinion with a reasonable degree of professional certainty as a systems ecologist, that the overall impact of the entire project on that region and its regional -- with a small "r" systems, has been considered in this -- in both these documents, the project application for the 90-meter and 70-meter ski jump and the overall Draft Environmental Impact Statement dealing with the entire 1980 Winter Olympics as proposed and prepared in the Draft Environmental Impact Statement of the United States Department of Commerce?

THE WITNESS: To the extent that it is possible to reach conclusions on these matters within a period of less than one year's study, I would say yes.

THE HEARING OFFICER: And did you, in the course of these investigations, include considerations of socioeconomic impact?

THE WITNESS: Yes.

THE HEARING OFFICER: On the region. Did you consider the influence of socioeconomic factors external to the immediate region?

THE WITNESS: To some extent.

THE HEARING OFFICER: Did you consider the existing transportation system of the region?

THE WITNESS: We did. We -- yes.

THE HEARING OFFICER: Did you consider the relationship in a systems sense of the existing transportation facilities of the region and the external major transportation facilities which would -- with which they relate?

THE WITNESS: With studies conducted by the New York State DOT to some extent, yes, we did.

THE HEARING OFFICER: And did you consider the Regional Ecological Systems represented within the Adirondack Park in terms of their

potential for impact in any sense from the activities proposed?

THE WITNESS: Yes.

THE HEARING OFFICER: Did you, as a result of these considerations, come to any conclusions as a scientist and as a professional ecologist?

THE WITNESS: Yes.

THE HEARING OFFICER: Would you briefly summarize for us those conclusions?

MR. BROOKS: I assume this is limited to the project at hand?

THE HEARING OFFICER: No, this is in general.

THE WITNESS: My opinion is that, given comparisons with similar activities in other regions, is that the set of circumstances which surround the activities as proposed, the overall Olympic activities, will result in relatively minor impacts with the games as contrasted with a region without the games; that is adverse environmental impact on the region's ecosystems.

THE HEARING OFFICER: All right.

You used the word "adverse." Would you briefly, for the record, indicate what your criteria for determining whether an impact is adverse or not are, and I would appreciate it if you would give us these considerations and criteria first in the sense of the environmental systems involved and then in terms of specifics.

THE WITNESS: Well, my thoughtful consideration of what entails an adverse impact is that ultimately an adverse impact is defined in a human sense, that the complex of supporting ecosystems interfacing with human cultural and economic systems results in the need to define the kinds of perturbations that occur in the Region's ecosystems that might ultimately adversely affect human systems. I would include in such a list, without creating an exhaustive list of adverse impacts, especially those impacts that affect water quality, in waters essentially used by man both in terms of consumptive use as well as use for recreation and enjoyment. I would also include the effects of noise and other insults. If we were in an urban area, I would strongly be considering



THE HEARING OFFICER: And are you aware of quantitative as well as qualitative measures thereof?

THE WITNESS: I am.

THE HEARING OFFICER: In the case before us in particular, the 90- and 70-meter ski jumps proposed to be constructed at the Intervale site, have you made any assessment of the visual or aesthetic impact thereof?

THE WITNESS: Though I participated in, as a member of the research team, study team involved in those studies, I was not directly involved in reaching conclusions with respect to visual impacts.

THE HEARING OFFICER: Do you consider visual and aesthetic impact an element of an overall environmental impact assessment of any human activity or construction project?

THE WITNESS: Yes.

THE HEARING OFFICER: In the course of your regular professional activities as a systems ecologist, have you had occasion to relate impacts upon natural systems, impact upon

influence the Regional Ecological System which is the Adirondack Park?

THE WITNESS: Yes, I can offer an opinion.

THE HEARING OFFICER: All right.

THE WITNESS: I would ask for a rephrasing of the question though.

THE HEARING OFFICER: Be my guest. You can qualify -- you can qualify the opinion and deliver it in sections. I want your considered professional opinion as a systems ecologist on the overall impact of the entire 1980 Winter Olympic Games on the Adirondack Park Regional Ecological System, with a capital "R", capital "E" and capital "S", as I defined it in the set sentence?

MR. HANNA: Mr. Hearing Officer, I take it that, obscured in that question is the question "adverse"?

THE HEARING OFFICER: No, it is not obscured and it isn't --

MR. HANNA: I haven't heard any definition of that.

THE HEARING OFFICER: And it isn't

of whether or not such impacts are adverse depends on the definition assigned to the word "adverse," does it not?

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THE WITNESS: Yes.

THE HEARING OFFICER: In some cases adversity may be defined in terms of toxic effects, can it not?

THE WITNESS: Yes.

THE HEARING OFFICER: There are certain noise levels which represent toxic levels in that they result in pathologic conditions in human beings, are there not?

THE WITNESS: Yes.

THE HEARING OFFICER: There are certain levels of the existence of air contaminants that represent toxic hazards to human beings, do they not?

THE WITNESS: Yes.

THE HEARING OFFICER: There are certain levels of contaminants in water that represent toxic levels and that presented danger to human beings, do they not?

THE WITNESS: Yes.

THE WITNESS: Yes, I participated in the initial consolidation of a set of criteria, mitigative criteria, but was not the final author of the same.

THE HEARING OFFICER: All right. Have you examined those criteria though on your own?

THE WITNESS: Yes, I have.

THE HEARING OFFICER: Can you give us your opinion with a reasonable degree of professional certainty as a systems ecologist whether those criteria, if fully implemented, will protect the aquatic ecosystem dependent upon the west branch of the Ausable River?

THE WITNESS: With two qualifications: The measures suggested will essentially protect the significance -- substantially protect those subsystems.

THE HEARING OFFICER: Would you describe for us those qualifications?

THE WITNESS: One would be the extent to which they are literally implemented, monitored and seated into the regulatory process

and erosion and sediment control necessary criteria to be observed for the protection of the west branch of the Ausable as it runs throughout the entire system, not specifically concerned with the Olympic activities but any activity associated therewith on the part of the regional drainage basin for that river?

THE WITNESS: Are you asking --

THE HEARING OFFICER: Yes.

THE WITNESS: May I rephrase it?

Are you asking whether such criteria should be applied throughout the Ausable drainage area in other such projects?

THE HEARING OFFICER: Yes.

THE WITNESS: I would suggest that this would be a subset relatively site-specific but a subset of conditions which might be applied regardless of the kind of physical site disturbance directly associated with the Ausable River.

THE HEARING OFFICER: Are there additional criteria which have to be added to this list?

THE WITNESS: I would say yes,

but those criteria would develop along the regular -- well, along the regular course of events when site planning design construction methods, monitoring techniques and other activities associated with implementing these criteria are, in fact, developed.

THE HEARING OFFICER: O.K. It is now 1 o'clock. I'm going to ask that we recess until 1:35 and return at 1:35, at which time Mr. Reinhardt will be available for cross-examination within the limits of the subject matter of this hearing as outlined by the Hearing Examiner and as soon as he arrives, we will take Dr. Dewey.

(Whereupon, at 1:00 p.m. a luncheon recess was taken until 1:35 p.m.)



AFTERNOON SESSION

THE HEARING OFFICER: All right, everybody, let's reconvene if at all possible. Do we have Dr. Dewey yet? As soon as he comes we'll suspend and start with him.

All right, everybody ready to go back to work? Mr. Hanna, Mr. Reinhardt?

ROBERT DENNIS REINHARDT,  
previously called as a witness in behalf of the Applicant, resumed and testified further as follows:

THE HEARING OFFICER: Mr. Reinhardt, there are certain exhibits on the wall behind you. Indicating Exhibit 761119:5, biology, source a field survey. In your position as a scientist associated with the project familiar with the subject matter, does that exhibit fairly and accurately and fairly represent the substance of the terrestrial vegetation analysis of the area?

THE WITNESS: Yes, with the exception that the -- there may be some boundaries that -- now, let me rephrase that. The boundaries

as indicated on the graphic are only approximations in any case. Rarely are there hard line boundaries between veg. type associations between one and the next, but to the approximate extent that they show the distribution of the veg. associations defined in the captions, yes, it is a reasonably accurate portrayal of vegetation.

THE HEARING OFFICER: All right,

Mr. Hanna?

CROSS-EXAMINATION

BY MR. HANNA:

Q. Did you consider any alternatives to the Intervale site for the ski jumps?

A. The project sponsor and its consultants and subconsultants who conducted studies as indicated on the graphic on the wall looked at several sets of alternatives, yes.

Q. And in looking at those alternatives, were the same criteria used as were used for selecting the Intervale site?

A. The criteria that were developed to select a range of alternative sites and to evaluate the similarities, differences, in a relationship to

general requirements for a ski jump facility are fairly complex.. My answer to you is that I am not substantially prepared to detail that methodology though I was involved in its generation. I would personally prefer to defer that discussion. It's very important, I think, to understand that discussion, to have Mr. Chapman or Mr. Galehouse.

THE HEARING OFFICER: The key question, Mr. Reinhardt, is this: Did you make any assessment, preliminary or otherwise, of the overall impact of the project development at any of the alternative sites indicated in the sense of determining that impact upon the overall Regional Ecological System or regional environmental system with a capital "R", capital "E" and capital "S," of the Adirondack Park?

THE WITNESS: Yes.

THE HEARING OFFICER: All right, and can you compare the impacts in a qualitative sense or did you compare the impacts in a qualitative sense among the several alternatives proposed?

THE WITNESS: Yes, to some extent, we did.

THE HEARING OFFICER: Are those

service --

(Whereupon the witness was excused.)

THE HEARING OFFICER: We'll take a five-minute recess.

(Whereupon a short recess was taken.)

THE HEARING OFFICER: Let's go back to Mr. Reinhardt. O. K. I'm going to let the record show the first exhibit for today 761207:1 is going to be a copy of a memorandum to Dick Persico from John Wargo dated October 5, 1976, subject: 90-meter jump alternative sites, and a list of criteria logical to use on a search for alternative sites without accepting the validity thereof and without submitting it for any purpose other than the fact that it indicates a list of site selection criteria. I'm going to pass copies out to all the parties giving one to the reporter asking her to insert it at one time in the minutes as the Hearing Officer's exhibit and ask the applicant to be prepared at the next hearing or by memorandum to comment on its consideration of whether these criteria were first among those utilized by the applicant in selection of the Intervale site and, second, whether or not they believe the criteria

list as prepared is complete, incomplete or whether  
or not things should be added or deleted therefrom.