



Board of Directors

August 13, 2014

Charles Clusen
Chair

Hon. Lani Ulrich
NYS Adirondack Park Agency

Dale Jeffers
Michael Wilson
Vice-Chairs

PO Box 99
Ray Brook, NY 12977

Sidney Harring
Secretary

RE: Public Comment on Approval of APA Permits (2013-138, 1996-76MR3) for NYCO Minerals, Inc.

David Quinn
Treasurer

Dear Chairwoman Ulrich,

Nancy Bernstein
John Caffry
Dean Cook
Lorraine Duvall
Robert Glennon
Evelyn Greene
Peter Hornbeck
Mark Lawton
James Long
Charles Morrison
Peter O'Shea
Philip Terrie

Protect the Adirondacks has reviewed the draft Adirondack Park Agency (APA) permits (2013-138, 1996-76MR3) for NYCO Minerals, Inc., for expansion of its mining operations at the Lewis mine (Seventy Road) and Oakhill mine in the Town of Lewis. PROTECT is on record urging the APA to require a formal adjudicatory public hearing for these two permits. The APA's decision to forgo an adjudicatory hearing for these projects is unfortunate and fails to uphold requirements of the APA Act and the APA Rules and Regulations.

Peter Bauer
Executive Director

PROTECT recognizes that NYCO substantially modified its application in a few areas, yet the impacts of NYCO's operations at two mines, which continue to expand, have never been scrutinized in an official adjudicatory hearing. The one adjudicatory hearing for the creation of the Oakhill mine in 1997-98 was administered on the belief that two mines would only operate simultaneously for a short time period as NYCO transitioned from the Lewis mine to the Oakhill mine. Since the original Oakhill permit, the APA has issued a series of permits to continue and expand operations at the Lewis mine and for NYCO to lease and expand the Oakhill mine. The APA must fully evaluate the impacts of operating both mines on the area's natural resources and rural quality of life.

The failure of the APA to undertake a formal adjudicatory hearing raises serious issues with regards to segmentation and cumulative impacts assessment under the State Environmental Quality Review Act (SEQR).

There are many reasons that the APA should send draft permits 2013-138 and 1996-76MR3 to a combined formal adjudicatory public hearing.

Protect the Adirondacks

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New Commercial Use at Lewis Mine: As part of this massive expansion of mining operations by 48% (89 acre impact area to 132 acres) NYCO plans to sustain its wollastonite mining at current levels, but also seeks to start aggregate rock mining – a new activity at its Lewis Mine. NYCO’s aggregate mining activities at both mines have never been adjudicated and appropriately scrutinized by the APA.

Wells Hill Trucking Levels have Never Been Appropriately Scrutinized and Reviewed: The adequacy of the existing town road system to handle the high volumes of large trucks utilized by NYCO for its Lewis mine has never been properly assessed. NYCO’s application had no traffic study, no accident study, and road network viability inventory. Traffic issues should be adjudicated.

Expanded Hours of Operation Place an Unfair Burden on Local Residents: The APA’s decision to expand hours of operation from 10 hours a day to 11 hours a day and start operations earlier at 7:00 AM is an unfair burden on local residents. Note that any change in hours is accompanied by earlier or later high levels of traffic on the local roads as employees drive to enter or leave the mine before the mine opens and leave after the mine closes. This also places large NYCO trucks on local roads at the same time that school buses are on the roads. The increase in hours should be an issue for adjudication because it negatively impacts the rural quality of life and raises public safety issues.

Private Road System for Lewis Mine: An issue ripe for adjudication is a badly needed study of private road system for the Lewis mine to transport materials through its neighboring Oakhill mine. During the 1997-98 public hearing on the Oakhill mine, the transition from the Lewis mine to Oakhill was favored because it removed extensive truck traffic from the small local roads on Wells Hill to a private road system. The viability and benefits of this road system should be adjudicated as part of a new permit for the expansion of the Lewis mine.

Cumulative Impacts Assessment: The APA has steadily allowed the Lewis mine on Seventy Road to expand mining activities, but these expansions have never been properly assessed. There has also never been any type of cumulative impact assessment for the operation, let alone the expansions, of NYCO operating these two mines simultaneously.

Segmentation: The APA’s decision to forgo an adjudicatory public hearing raises problems under segmentation of a project/impacts under SEQR. The APA has reviewed NYCO’s combined activities through an amendment to the Jay Mountain Wilderness Area Unit Management Plan, where it spurned all required SEQR environmental assessments, and now under two separate permits. This violates segmentation controls under SEQR. This is another reason to adjudicate both permits for a range of issues.

Criteria for a Public Hearing: This application clearly meets the criteria for a public hearing. APA Rules Part 580.2 Determination to Conduct a Public Hearing the APA lists eight criteria. This project meets all eight of these criteria clearly. The APA should publicly review these criteria when discussing these permits.

On behalf of the Board of Directors of Protect the Adirondacks, please let me extend our appreciation for the opportunity to submit these public comments on this important issue.

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer
Executive Director