



July 14, 2014

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**Executive Director**

Thomas E. Saehrig  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

**RE: NYCO Seventy Road Mine Expansion APA Project 2013-138**

Dear Thomas E. Saehrig,

Protect the Adirondacks has reviewed the application by NYCO Minerals, Inc. for its massive expansion of its Lewis Mine on Seventy Road and finds it to be a stunning departure from past practice that sought to balance the impacts of NYCO's ever expanding mining activities on the quality of life of local residents. The APA has steadily allowed NYCO to expand activities without an adjudicatory public hearing over the past 15 years. Many impacts have not been fully evaluated. The Adirondack Park Agency (APA) must reject this current application or send it to an adjudicatory public hearing.

All Balance has been Lost

**Two Mines Running at Full Tilt is an Unfair Burden on Local Residents:** The application violates core principles from 1997-98 APA Public Hearing on NYCO that produced APA Permit 1996-76 that first approved the Oak Hill mine and important features negotiated in APA Permit 1995-85 for the Lewis mine. Throughout the adjudicatory public hearing, which I participated in, NYCO officials were adamant that they would run both mines simultaneously only for a short period of time as they transitioned from the Lewis Mine (Seventy Mountain) to Oak Hill.

Since then, gradually through a series of APA permits all without an adjudicatory hearing to examine the impacts, NYCO has been able to obtain APA permits to expand both mines and enter into a long-term contract with Graymount for the commercial production of aggregate.

**New Commercial Use at Lewis Mine:** The mining of aggregate at the Lewis Mine marks a new commercial use. This was never part of NYCO's public plans or its operations since mining started on Lewis Mountain in the 1950s. This should not be allowed without an adjudicatory hearing.

**Massive Expansion of Lewis Mine:** NYCO is seeking a massive expansion of trucking at the Lewis Mine from 90 acres to 132 acres, the largest single increase ever sought since NYCO has been regulated by the APA. NYCO seeks a 46% expansion of its 90-acre open pit mine towards Derby Brook.

The APA has done a poor job at holding NYCO accountable to its mining projections and getting reliable information from NYCO. During the 1997-98 APA public hearing, NYCO stated it needed to begin the Oak Hill mine because it only had 3-5 years of wollastonite supply at the Lewis Mine. Now, 15 years later NYCO is still mining at the Lewis Mine. The "Strategic Plan" that NYCO provided the APA in 2006 stated that the wollastonite was of a higher quality at Oak Hill, yet now NYCO and state agency personnel assert different numbers.

**Protect the Adirondacks**

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**Unfair Burden Placed on Local Residents from Mining Activities:** NYCO's proposed expansion will have a negative impact on the rural residential community on Wells Hill in Lewis. NYCO plans to sustain its wollastonite mining at current levels, but also seeks to add aggregate rock mining – a new activity at its Lewis Mine. As part of this massive expansion, NYCO is seeking to expand daily truck trips from 63 per day in the spring and fall, and 45 a day in July-August, to a total of 100 a day from April-November. The increased hours of operation and truck trips means that local residents along the truck route on Wells Hill, where trucks enter and leave NYCO's Lewis Mine by the same route, will endure 200 large, loud truck passes a day.

Over 11 hours, with the expanded hours that NYCO seeks, that's one truck pass roaring by every 3.3 minutes. That is an unacceptable burden to place on the residents of Wells Hill. The increase in truck traffic severely disrupts the rural quality of life for local residents. Homeowners along the truck route say these trucks make their homes shake when they roar by on the narrow local roads. The APA has limited authority over the truck route that NYCO chooses, but it has complete authority to regulate the number of trucks that enter and exit from the Lewis Mine each day.

**Ending Summer Trucking Reduction Ends 30 Years of this Practice:** APA Permit 81-192A issued in 1982 included the condition for the summer reduction in truck traffic. This provided local residents with a break from truck traffic, at least partially. The summer reduction should be held.

**Expanded Hours of Operation are Unfair:** NYCO also seeks to expand hours of operation from 10 hours a day to 11 hours a day and start operations earlier at 7:00 AM. The new extended hours of operation also place 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.

#### Missing Information

**Accident Study:** The roads being utilized by NYCO are small local roads. The massive increase in truck traffic raises real concerns for an increase in accidents. The APA should require an accident study.

**Traffic Study:** The existing traffic study does not take into account the impacts from one truck pass every 3.5 minutes. This represents a major increase in trucking and a major burden on then local quality of life. The last full independent examination of traffic impacts in the 1997-1998 adjudicatory hearing held truck traffic to 63 per day. The APA has steadily increased this amount with an independent study.

**Cumulative Impacts Study:** Despite the massive expansion sought and despite the operation of two mines simultaneously, there has not been not find any type of cumulative impact assessment. This is critical due to the expansion of activities at the both mines. The APA should require this analysis.

**Study of Private Road System:** The APA must require that NYCO undertake a study and plan for building a private road system similar to the road system that exists at the Oak Hill Mine. During the 1997-98 public hearing on the Oak Hill Mine, the transition from the Lewis Mine to Oak Hill was favored because it removed extensive truck traffic from the small local roads on Wells Hill to a private road system. NYCO should be made to develop a plan for a private road system from its entry road/Lewis mine to connect with Oak Hill. From the Oak Hill mine site, NYCO can connect directly with NYS Route 9. Most of the land in between is NYCO-owned properties. The only way that the APA should entertain a new commercial activity for aggregate mining is if NYCO builds a private road system. Not only will NYCO generate massive amounts of aggregate from its new expansion towards Derby Brook, but it will also generate massive amounts from its purchase of 200 acres of Forest Preserve in Lewis Lot 8 in the Jay Mountain Wilderness from the state. These combined activities mark a massive expansion and long-term investment in the site for which an upgrade in the infrastructure is required. A private road system would enable the mine's expansion, while at the same time mitigating one of the largest negative impacts on local residents. NYCO will likely mine at the Lewis Mine site for 25 years or more, so it's perfectly appropriate to require that a private road be constructed.

**Assessment to Use Aggregate for Reclamation, Not Commercial Use:** The APA should assess the value of using aggregate to be stockpiled on site so that it can be used to fill the mine pit at the time that the mine is abandoned. There should be a stated preference to stockpile and use these materials for fill rather than seeing a bench-cut landscape remain on the property long-term.

The APA has allowed through various permits to expand the Oakhill mine for aggregate production. NYCO should be permitted to mine aggregate at Oakhill and not at the Lewis Mine.

**Reclamation:** NYCO states that it will reclaim the site to grasslands. The APA should require rehabilitation of these reclaimed lands to forestlands, with required stems and mature trees on a per acre basis. The development of this forest should be evaluated over time to assess tree mortality.

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.

On behalf of the Board of Directors, please accept these comments on this important matter.

Sincerely,

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