

**Adirondack Council
Adirondack White Lake Association
Adirondack Wild: Friends of the Forest Preserve
Otter Lake Association
Protect the Adirondacks!
Sierra Club Atlantic Chapter
White Lake Shores Association**

September 12, 2021

Rob Lore
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

RE: Official Adjudicatory Public Hearing Needed for Thomas Sunderlin and Red Rock Quarry Associates, LLC, APA Project 2021-0075

Dear Rob Lore:

The organizations listed above have a number of concerns about the newly proposed Thomas Sunderlin and Red Rock Quarry Associates, LLC, (APA Project 2021-0075) mining project in the western Adirondack Park in the Town of Forestport, Oneida County. We have all been contacted by a number of area residents and landowners near the proposed mine and around White Lake. They have many concerns about the disruptive impacts of a new industrial use in a largely residential and tourist resort area.

Under the Adirondack Park Agency (APA) Rules and Regulations Section 580.2 “Determination to conduct public hearing” eight criteria are listed for the APA to use to make its decision about whether a proposed project merits an official adjudicatory public hearing. The Thomas Sunderlin and Red Rock Quarry Associates, LLC project qualifies for a public hearing based on seven of these criteria. A project is appropriate for a public hearing if just one of the seven criteria is applicable and this project triggers six of the criteria. Here are the criteria:

- “The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected.” This project is an industrial operation in a residential area. It may have negative impacts on the water quality, forests and open space, residential quality of life, and local tourism/resort economy.
- “The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations.” The number of public comments more than satisfies these criteria. Beyond the sheer numbers, the concerned citizen population in the general White Lake area also invested in an independent mining consultant to review application materials.

- “The presence of significant issues relating to the criteria for approval of the project.” The comment letters from the groups listed above, and from local residents, details five significant issues relating to the approval of this project including impacts to the hydrology of White Lake, noise from blasting/mining operations, traffic study/safety, particulate matter/dust, and impacts on the local residential quality of life and tourism/resort economy. Independent experts must be allowed to provide information and the applicant’s experts must be subject to cross-examination. This can only be accomplished through a formal public hearing.
- “The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed.” Given other mining projects that have gone to public hearing, such as NYCO Minerals, Inc., where a long list of mitigation measures was adopted in the permit to protect the local environment and rural quality of life, it’s a near certainty that a public hearing for this project would produce a permit substantially different from a permit issued without the benefit of a public hearing.
- “The possibility that information presented at a public hearing would be of assistance to the agency in its review.” The APA staff do not possess a mining expert, traffic expert, noise expert or a hydrogeologist. Such expert testimony provided by the intervening parties would greatly assist the APA in its review of this project and in developing a factual record for the APA Board to make its decision.
- “The extent of public involvement achieved by other means.” The Town of Forestport Planning Board has tabled this application until the APA makes a decision. The only meaningful way for the hundreds of concerned local residents and property owners to participate in this project is by intervening in an official adjudicatory public hearing.
- “Whether an environmental impact statement will be prepared pursuant to the State Environmental Quality Review Act.” This is a Class A regional project where the APA review serves the purposes of SEQRA.

From the inception of the APA in the early 1970s through the beginning of the Andrew Cuomo Administration, the APA held 151 formal adjudicatory public hearings, a rate on average of just over 3 per year. From 2011 to the present there have been none. It stands to reason that the need for formal adjudicatory public hearings has not gone away. Since 2011, the organizations listed above, and the general public, have called on the APA to hold an adjudicatory public hearing on a number of projects, but the APA staff never recommended one and the Board never approved one. This must end. The proposed Thomas Sunderlin and Red Rock Quarry Associates, LLC project more than qualifies for a formal adjudicatory public hearing.

The project is on a largely forested 56-acre tract on Stone Quarry Road, south of Route 28. Around 27 acres of this site will be actively mined over the life the proposed new mine. The site has not been a functioning mine for decades. The site has not been active for nearly 90 years, while there has been significant residential and small business development around the area’s lakes.

The applicant proposes to start with a 5-acre area where the trees, flora and soils will be removed to expose the granite bedrock layer. Soil will be stockpiled on site. Large pits, with 40-foot-high walls, will be opened as the mine pits are steadily enlarged. Large granite “bricks” will be cut using “diamond wire saws” and then loaded on trucks. Blasting will be necessary at times to break apart or break open the bedrock for mining operations and crushing of aggregate is also planned.

These activities are all proposed over an aquifer, within 100 feet of protected wetlands, within 100 yards of residential properties (and wells), and within 300 yards of a pristine spring-fed lake.

For all of these reasons, the groups listed above support a formal adjudicatory public hearing for the proposed Thomas Sunderlin and Red Rock Quarry Associates, LLC project.

Sincerely,

Peter Bauer, Executive Director
Protect the Adirondacks!

Jackie Bowen, Conservation Director
Adirondack Council

Louanne Cossa, President
Adirondack White Lake Association

Roger Downs, Director
Sierra Club Atlantic Chapter

David Gibson, Senior Partner
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James LaFountain, President
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Steve Addison, Vice President
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Darren Cohen, Executive Chamber
Rebecca Wood, Executive Chamber