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September 17, 2021

Zachary Goodale
NYS DEC Region 6 Utica Sub Office
Division of Environmental Permits
207 Genesee Street, Room 1404
Utica, NY 13501

RE: Public Comment on DEC White Lake Granite Quarry Project DEC Application ID Nos.:6-3038-00081/00003 Mined Land Reclamation

Dear Zachary Goodale:

Protect the Adirondacks has a number of concerns about the newly proposed Thomas Sunderlin and Red Rock Quarry Associates/White Lake Granite Quarry Project DEC Application ID Nos.:6-3038-00081/00003 Mined Land Reclamation, LLC mining project in the western Adirondack Park in the Town of Forestport, Oneida County. We have 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.

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.

This tract has history. The tract has been enrolled in NYS Preferential Forest Tax Law programs for years, which provides a subsidy to maintain productive forest lands. Nearly 20 years ago there was an effort to open a new mine at this site,

which was very controversial, and the applicant eventually withdrew the application. This was followed by an effort to develop the tract for residential purposes. We believe that the lands in question should be used for residential purpose or for sustainable forest management. For a variety of reasons, Protect the Adirondacks opposes this project and finds it unsuitable for the residential White Lake area.

General Comments

For all of the reasons enumerated below, Protect the Adirondacks finds that this project should be denied.

1. The site of the White Lake Granite Quarry project in Forestport has been dormant for over 90 years and the White Lake area has grown into a tourism/resort community since then. When it was used as a quarry it hauled out stone on the railroad and there were few local residences.
2. The proposed project is a burden on the local government because the current access road is inadequate for the proposed level of truck traffic and the intersection on Route 28 is inadequate for 40 truck trips (20 per day) entering and exiting that road. The Route 28 intersection will need to be rebuilt. The application was inadequate on a highway intersection study and a general traffic study.
3. There is no adequate hydrology study for the impacts of blasting and mine operations on White Lake and Little Long Lake. The application has inadequate data on hydrology. The open lake resources are the gems of the White Lake area and support his residential property values and the local tourism economy. This project threatens key assets of the community.
4. The project is located in an Adirondack Park Agency (APA) Moderate Intensity Area, which is principally an area zoned for residential uses. Further, the property has long been enrolled in a NYS Preferential Forest Tax Law program, which has provided a tax subsidy to maintain these lands in working forest open space. White Lake is an Adirondack resort area that has built a thriving tourist economy. This project threatens the residential quality of life in the area. The location is not an industrial use area and the proposed activities should only be sited in a secluded and pre-determined Industrial Use Area where mining activities will not negatively affect local residents.
5. The noise study provided by the applicant is inadequate. The noise from this project will burden local residences and businesses with two loud blasts per day and “aggregate processing” between 9AM and 3PM. This project threatens the tourist economy and residential quality of life of the area with highly disruptive industrial noises.
6. Dust and particulate matter will be generated on-site and will be carried by the wind to off-site locations. The data on particulate matter impacts provided in the application is inadequate.
7. There is no traffic study about how 20 truck trips, which means up to 40 incidents of trucks entering and exiting the mine. How will large, heavily loaded trucks impact traffic

on Route 28? What impacts will there be to local residents and businesses. There is no acknowledgement of a local crosswalk in the area.

8. The site currently does not have an adequate electricity supply. The application does not have information on how the site will be powered and how this will affect local residents and nearby properties.
9. The application proposes a schedule of 11-hour mining days Monday to Friday from April to October, all through the summer tourism season, and on Saturdays from 7 to 12 noon. Given the negative impacts of a new industrial operation in a residential area, which will be the only industrial operation in the general White Lake area, these long hours proposed by the applicant will be burdensome to local residents. These hours of operation are simply unfair to nearby residences and local tourism businesses.
10. There are other quarries in the Town of Forestport that are isolated and are not surrounded by residences. Those are appropriately sited. This is a poor site for a mine.
11. The application had no information about how an industrial mining operation will impact local property values. This is important information that must be evaluated. There is no survey of local longstanding business owners who stand to see their tourism businesses undermined and negatively impacted by a new industrial mining operation.
12. The landowner has viable economic alternatives for the site other than granite mining. First, the land is enrolled in a Preferential Forest Tax Law program that minimizes carrying costs and helps to make forest management viable. Second, the property could easily be subdivided for residential purposes. Third, the property could be sold to another timberland owner.

Conclusion

In comments to the APA, Protect the Adirondacks, and many other organizations, have called upon the agency to hold an official adjudicatory public hearing on this project. There is precedent with the NYCO Minerals, Inc., mining project in the Town of Lewis, Essex County, where in the late 1990s the APA and DEC held a joint adjudicatory public hearing. If the DEC fails to deny this project outright, the only responsible course of action is to combine its decision with a formal APA adjudicatory public hearing.

APA Rules & Regulations Section 580.2 “Determination to conduct public hearing” lists seven principal criteria for the APA to make its decision about whether a proposed project merits an official adjudicatory public hearing. This project qualifies for a public hearing based on at least six 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:

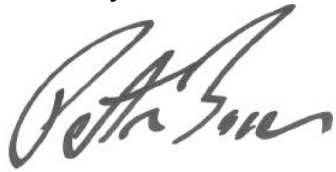
- “The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected.” This project is an industrial operation in a residential area. It may have negative impacts on the water quality, forests and open space, residential 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 as well as legal representation.
- “The presence of significant issues relating to the criteria for approval of the project.” This letter 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. The applicant’s experts must be subject to cross-examination.
- “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. Moreover, the DEC Administrative Law Judges that oversee APA adjudicatory public hearings are required to facilitate mediation if the parties are in agreement.
- “The possibility that information presented at a public hearing would be of assistance to the agency in its review.” The White Lake community and other organizations have demonstrated the capacity to bring in outside, independent mining experts.
- “The extent of public involvement achieved by other means.” The Town of Forestport Planning Board has tabled this application until the APA makes a final 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.

For many reasons, the DEC should deny this project. The only other responsible course of action is to combine with the APA in an official adjudicatory public hearing.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments on this proposed development.

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

CC: B. Seggos, DEC
S. Mahar, DEC
T. Berkman, DEC
Catherine Dickert, DEC
Randall Young, DEC Region 6
Tom Voss, DEC Region 6