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January 9, 2024

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John M. Burth  
Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977

Beth Magee  
New York State Department of Environmental Conservation  
Region 5  
232 Golf Course Rd.  
Warrensburg, NY 12885

**RE: Comments on Appendix O: Visual Impact Assessment  
APA Project 2021-245: Barton Mines Expansion  
Town of Johnsbury, Warren County**

Dear Mr. Burth and Ms. Magee:

Protect the Adirondacks (“PROTECT”) submits these comments concerning the revised Appendix O, Visual Impacts Analysis (“VIA”) dated December 2023 and prepared by H2H Geoscience Engineering, PLLC for the proposed expansion by Barton Mines Corporation, LLC of the Ruby Mountain Mine in the Town of Johnsbury, Warren County. PROTECT’s comments on the revised Appendix O are fully set forth in the attached report prepared by Dr. Richard Smardon.

These comments supplement PROTECT’s prior submissions in June 2021, July 2022, November 2022, and May 2023 concerning the proposed mine expansion.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato". The signature is fluid and cursive, with the first name "Chris" and last name "Amato" clearly distinguishable.

Christopher Amato  
Conservation Director and Counsel  
Protect the Adirondacks! Inc.  
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North Creek, NY 12853  
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# **Review of Revised Visual Impact Assessment Prepared for Barton Mines Company by H2H Geoscience Engineering PLLC**

**Town of Johnsburg, Warren County**

**New York NYS DEC Mine Permit #5-5230-00002/00002**

**APA Permit P79-140, P70-356, P87-39, P87-39B, P88-393A**

By Richard Smardon MLA PhD CEP

Barton mines LLC (“Barton”) submitted a revised Visual Impact Assessment in December 2023 (“Revised VIA”) in response to the June 2023 Notice of Incomplete Application (“NIPA”) issued by the Adirondack Park Agency and the July 2023 NIPA issued by the Department of Environmental Conservation. The Revised VIA has the same exact content as the May 2023 VIA including executive summary, introduction, permitted permit modifications, and methodology. Only the new digital simulations of six new viewpoints plus some of the mitigation texts have been changed.

## **New VIA viewpoints and analysis**

The six new viewpoints added in response to the NIPAs are listed on page 18 of the VIA. These include:

- DS#1: Peak of Peaked Mountain Trail looking back towards the RM facility and quarry;
- DS#2: The middle of Thirteen Lake looking toward the RM facility and quarry;
- DS#3: Peak of Balm of Gilead Mountain Trail looking back towards the RM facility and quarry;
- DS#4: At the intersection of Thirteenth Lake Road and Harvey Road looking towards the project;
- DS#5: At the Peak of Moxham Mountain Trail looking back towards the RM facility and quarry;
- DS#6: On the Hopper Trail looking back towards the RM facility and Quarry.

For each of these new viewpoints, most of which were noted as not addressed in my previous report (Smardon 2023), only digital topographic models were developed, and no photo realistic simulations were done for each new viewpoint. After reviewing each of the six added viewpoints digital simulations and consultant analysis of impact, I have a differing analysis than the project consultants for four of these six viewpoints.

DS#3: Peak of Balm of Gilead Mountain Trail looking back towards the RM facility and quarry. The Revised VIA notes that the RM facility and eastern highwall of the mine are already visible but claim that the RM facility and quarry will in the future be partially screened by vegetation adjacent to the mine and by partial screening from vegetation on the trail. This conclusion is unsupported because it is dependent on presumed vegetative reclamation success which is unsubstantiated.

DS#4: At the intersection of Thirteenth Lake Road and Harvey Road looking towards the project. The digital terrain model shows that the mine will be visible, but the Revised VIA claims that with the vegetation added the mine will be screened. Without photo realistic simulations with both leaf on and leaf off conditions this conclusion is unsupported.

DS#5: At the Peak of Moxham Mountain Trail looking back towards the RM facility and quarry. The Revised VIA acknowledges that the mine and RM pile are already clearly visible from this viewpoint but claims that the mine site will be partially screened following completion of reclamation at the final mining phase. Even with this partial screening the mine and RM will be highly visible from this elevated viewpoint.

DS#6: On the Hopper Trail looking back towards the RM facility and quarry. The Revised VIA acknowledges that the mine and RM pile are clearly visible from this viewpoint, but claims that reclamation vegetation, in addition to vegetation adjacent to the trail, will partially screen the future visual impact of these components. However, the digital model simulation at the final mining phase shows that the expanded mine face and the RM pile will be much more visible from this viewpoint.

So, four new public viewpoints, DS#3: Peak of Balm of Gilead Mountain Trail, the intersection of Thirteenth Lake Road and Harvey Road, the Peak of Moxham Mountain Trail, and the Hopper Trail will be visually impacted by the project, a conclusion that is substantiated by the applicants revised VIA. Note that the Garnet Hill Lodge, another publicly accessible viewpoint was not included in the applicants revised VIA.

**VIA Mitigation Measures-** The Revised VIA claims that delayed mineral extraction, phased concurrent reclamation and RM facility design will minimize visual impacts. Again, there is no supporting evidence that the phased concurrent reclamation, in particular the revegetation of disturbed areas, will provide adequate screening of visual impacts.

The Revised VIA also claims that visual impacts from windblown fugitive dust from the RM pile will be mitigated by annual placement of a biodegradable treatment which has “been proven to be applicable to harden and capture finer particulates and reduce dust”. There is no specific reference to the proven effectiveness of such a measure. This mitigation measure fails to address the windblown material coming off the conveyer belt and other machinery during windy conditions at the top working area of the RM.

### **Conclusions in the Revised VIA**

The following conclusions in the Revised VIA are not accurate:

The Revised VIA claims that of the 16 potential visual impact receptors only 5 will not be fully screened from the proposed project by intervening landforms or vegetation. However, there are four additional viewpoints that are not screened or only partially screened: DS#3: Peak of Balm of Gilead Mountain Trail, DS#4: At the intersection of Thirteenth Lake Road and Harvey Road, and DS#5: At the Peak of Moxham Mountain Trail, and DS#6: Hopper Trail. So there a total of nine impacted viewpoints that are not screened.

The Revised VIA concludes that the proposed project would not cause an increase in the number of public use areas from which mining activities are visible. However, there are now four additional publicly accessible viewpoints that have been identified as experiencing visual impacts from the project; DS#3: Peak of Balm of Gilead Mountain Trail, DS#4: At the

intersection of Thirteenth Lake Road and Harvey Road, DS#5: At the Peak of Maxham Mountain Trail, and DS#6: Hopper Trail.

The Revised VIA claims that the mine and RM facility designs provide an effective means of delaying and screening potential impacts associated with the proposed project. However, it is highly uncertain whether the proposed mitigation measures, including the RM design and concurrent vegetation reclamation, will result in effective vegetative screening of visual impacts during all stages of the mine operation. This can only be determined by detailed analysis of the morphological construction of the RM layers and projected survival rates of planted vegetation. The poor revegetation trial success rate does not support this assumption.

The dust plume mitigation plan does not address the dust coming off the conveyer belt and other machinery during mine operation during all phases of the RM development. In addition, no evidence was provided to support the assumption that the proposed treatment plan will be effective in addressing windblown dust from the RM facility.

The Revised VIA continues to be deficient because it does not address visual impacts to Garnet Hill Lodge.

### **References**

Adirondack Mountain Club (AMC). Undated. Central Region, Guide to Adirondack trails. The Adirondack Mountain Club Inc.

H2H Geoscience Engineering, PLLC. May 2023. Visual Impact Assessment Barton Mine, Town of Johnsburg Warren County New York, NYS DEC Mine Permit #5-5230-0002/0002 Mine File #50483 by H2H Geoscience Engineering PLLC Troy, NY

Smardon R. C. 2023. Supplemental Report on H2H Geoscience Engineering Amended Appendix 0: Visual Impact Assessment, Barton Mines Town of Johnsburg, Warren County, NY