



**Adirondack
Park Agency**

Barton Mines Corporation, LLC

Project Number 2021-0245

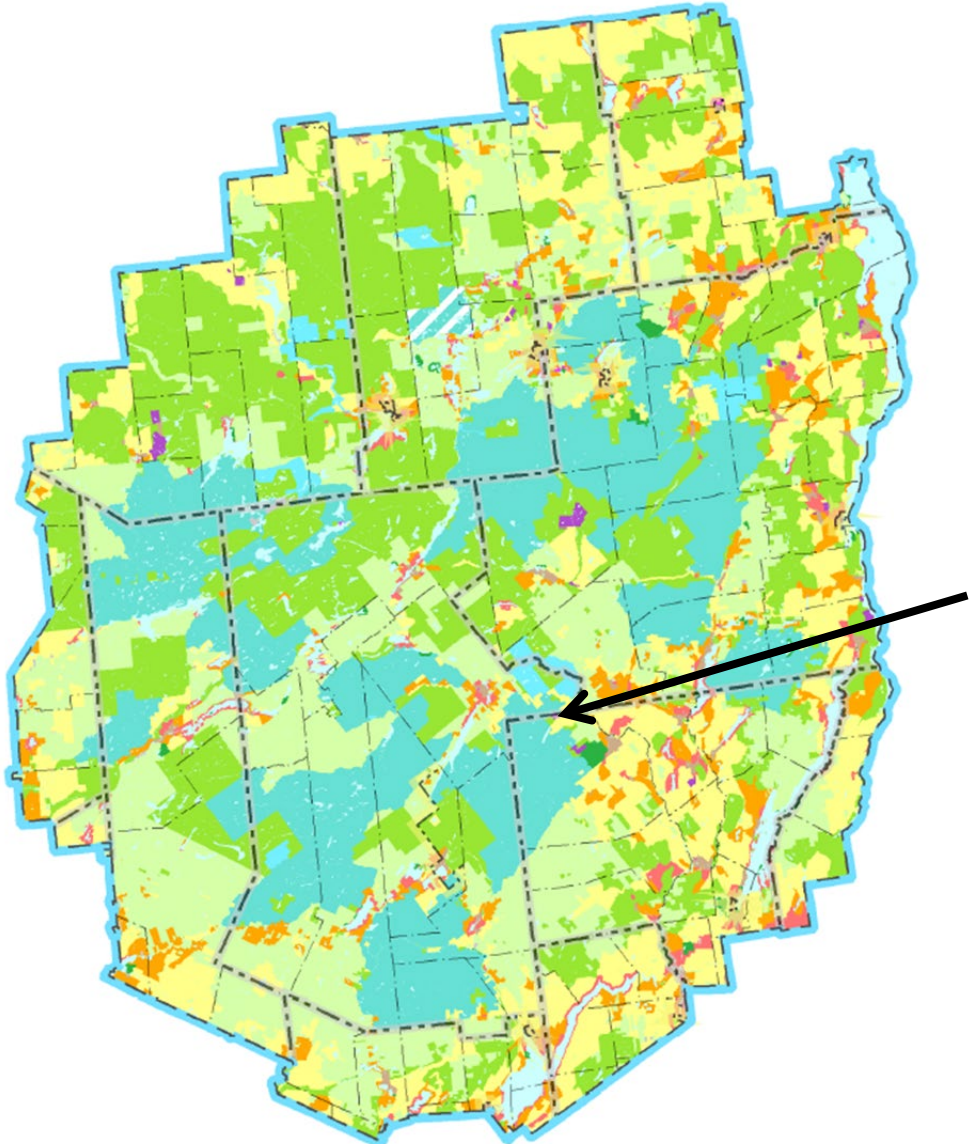
November 14, 2024

Presentation Overview

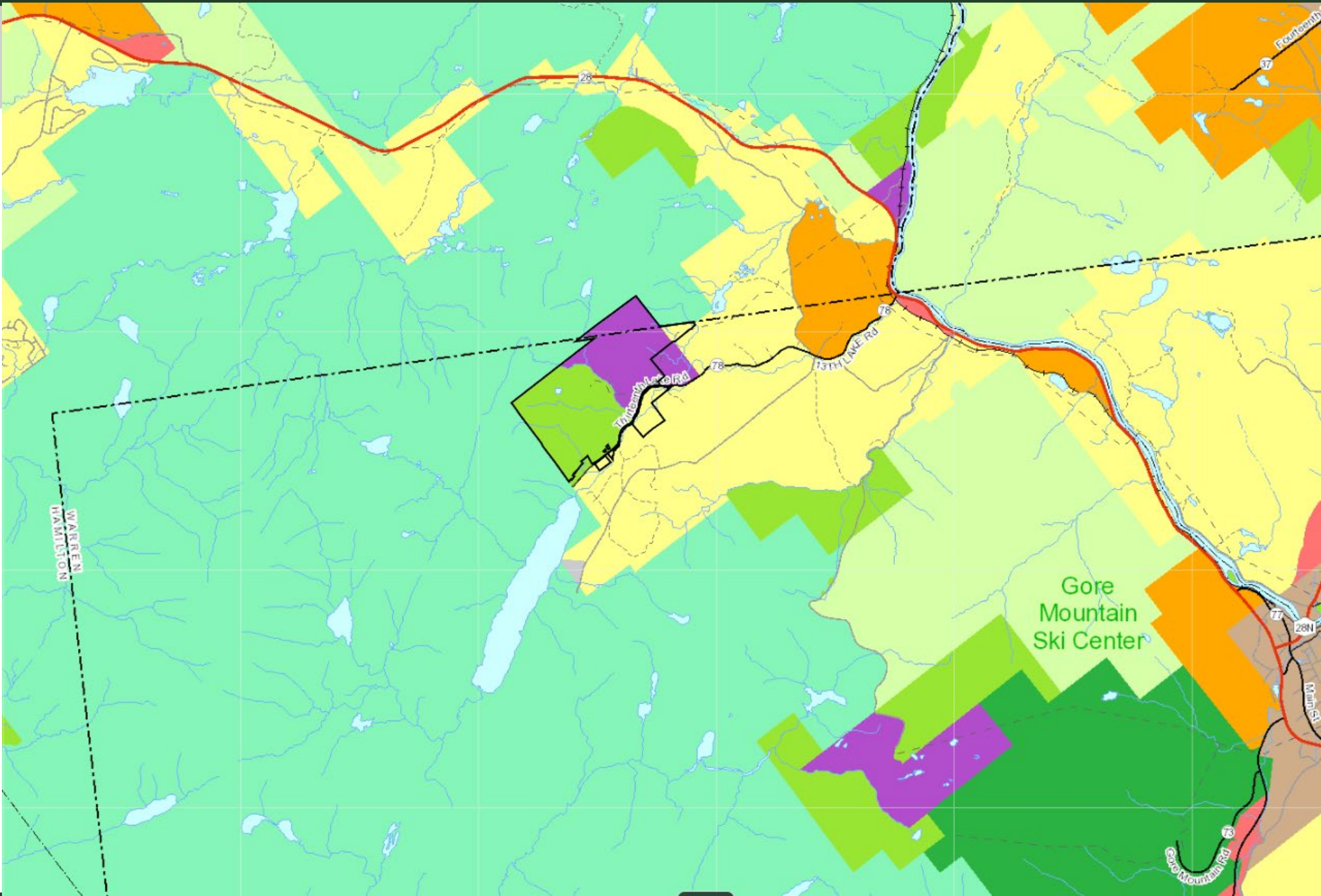
- Project Location
- Project Site History
- Existing Conditions
- Proposed Modifications
- Review by Others
- Public Comment
- Staff Recommendation
- Q & A

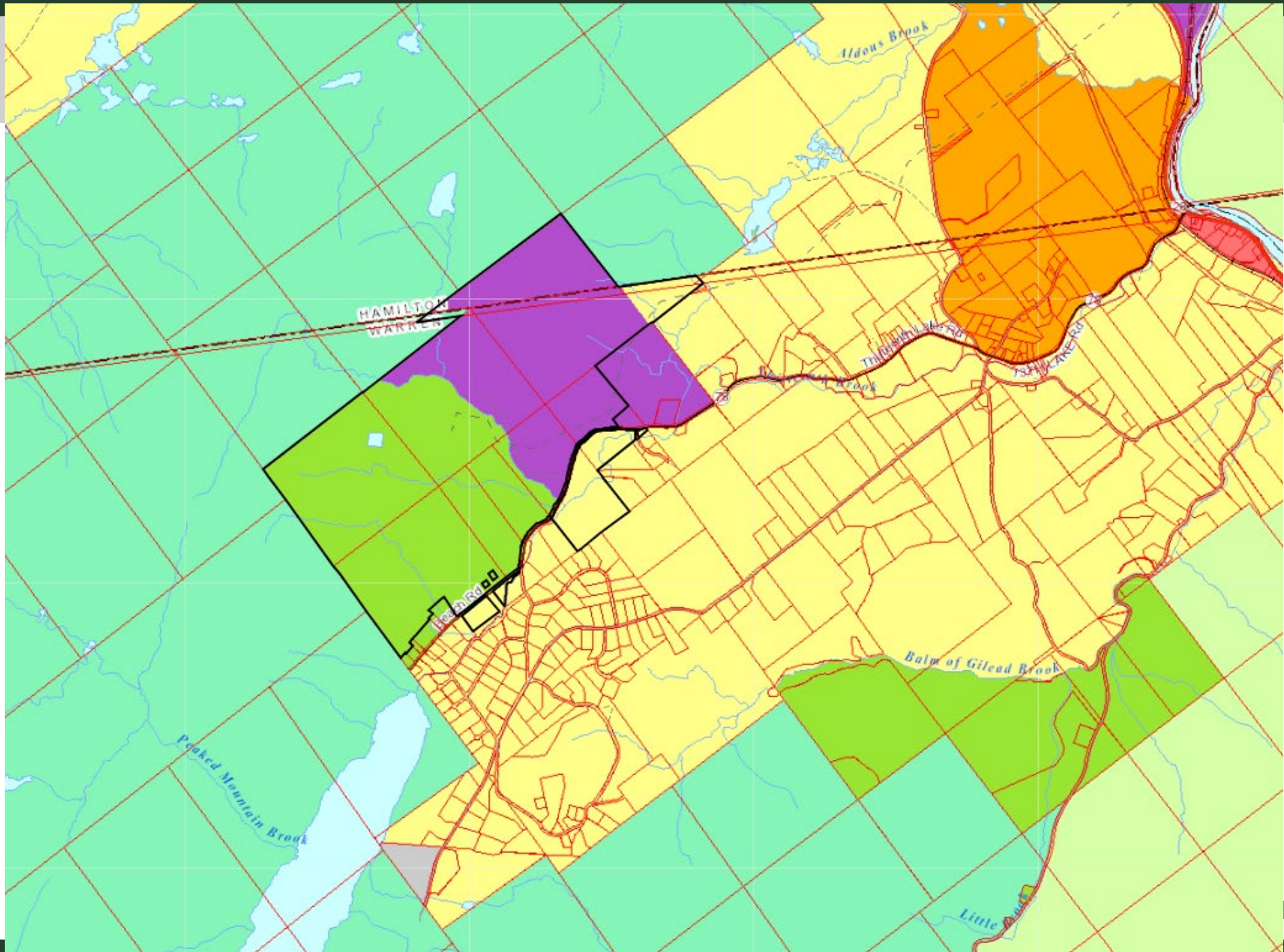
Project Location

Project Location



**Town of Johnsburg,
Warren County &
Town of Indian Lake,
Hamilton County**



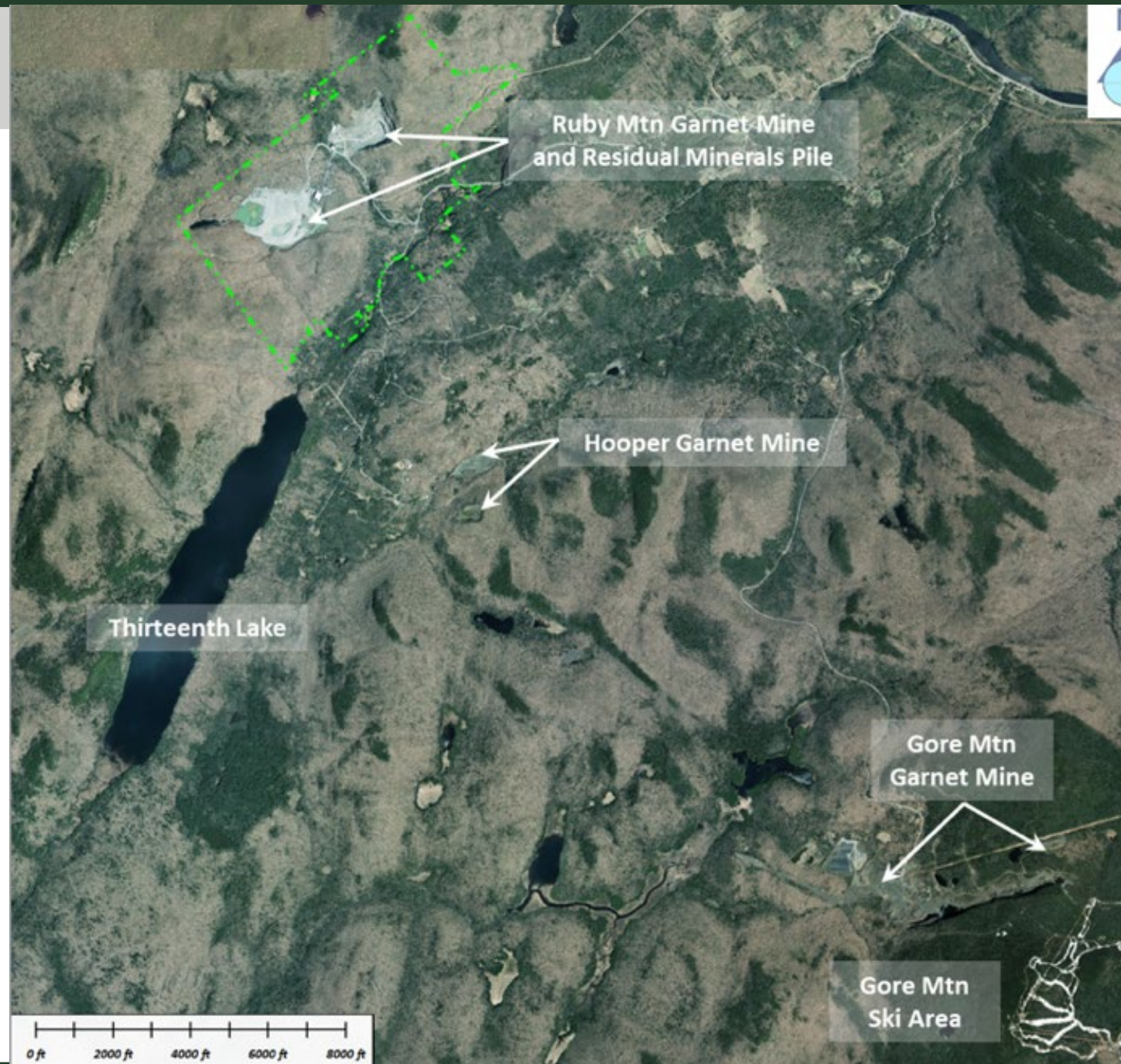


Project Site History

Project Site History

[Slide 1 of 4]

- Barton Mines company established in 1878
- Gore Mountain Mine operated from 1878 – 1982
- Hooper Mine 1898 – 1928
- Ruby Mountain Mine (project site) began operating under Agency-permitted conditions in 1983
- One of four large hard-rock garnet mines in the world today



Project Site History [Slide 2 of 4]

- Agency Permits 79-174 & 79-358:
 - Authorized structures (processing mill, crusher building, quarry office)
 - Set no limits on the size of the life of mine
 - Set no limits on the hours of operation of the mill
 - Prohibited blasting during atmospheric inversions of less than 72 hours
 - Information in the permit applications indicated:
 - Off-site trucking hours 7am – 10pm M-F
 - Quarry mining activities 7am – 3:30pm M-F
 - Up to 5 off-site truck trips per day
 - Supplier deliveries 7am – 3pm M-F
 - Mining of quarry from an elevation of 2,240 feet amsl to 1,860 feet amsl
- Agency Permits 81-20 A, B, C:
 - Authorized an electric transmission line to serve the project site

Project Site History [Slide 3 of 4]

- Agency Permits 87-39 & 87-39A:
 - Authorized two residual minerals (RM) piles
 - Combined footprint of 60 acres.
 - Elevation of 2,320 feet amsl each
 - Finger Valley RM pile included dredging/filling of 1.9 acres of wetlands within the 1/8-mile of the Wilderness Area. Not undertaken
 - Allowed timber harvesting on much of a 221±-acre area added to the project site in 1988
- Agency Permit 87-39B:
 - Authorized a change to a single RM pile
 - Footprint of 73 acres
 - Elevation of 2,275 feet amsl
- Agency Permit 2019-0136:
 - Authorized water intake structures from Thirteenth Brook
 - Not undertaken and permit expired

Project Site History [Slide 4 of 4]

- No permit terms or future Agency review required by prior permits
- 2015-2021: Numerous pre-application meetings held with APA & DEC
- Enforcement file 2020-0093:
 - Alleged violation: noise in noncompliance with Agency permits
 - No violation of existing Agency permit language or conditions
- P2021-0245:
 - Permit application for modifications to the previously-authorized mineral extraction
- Enforcement file 2022-0099:
 - Alleged violation: wetland fill
 - Access road washout into wetlands, voluntary remediation completed

Existing Agency Permits – Summary

No permit terms or future Agency review required for the activities authorized by previous permits

- Single RM pile, footprint of 73 acres, max. elevation of 2,275 feet amsl
- ** Quarry floor elevation of 1,860 feet amsl
- No blasting during atmospheric inversions of less than 72 hours
- ** Off-site trucking hours 7:00am – 10:00pm
- ** Up to 5 off-site truck trips per day
- ** Quarry mining activities 7:00am – 3:30pm M-F
- ** Supplier deliveries 7:00am – 3:00 pm M-F
- Timber harvesting allowed on much of the 221±-acres added to the site in 1988
 - Cutting limitations unclear on the original 580±-acre permit site

** Not clear permit conditions, but have been adhered to by the applicant over the decades

Existing Site Conditions

Description of Mineral Extraction



1. Extract garnet ore from rock



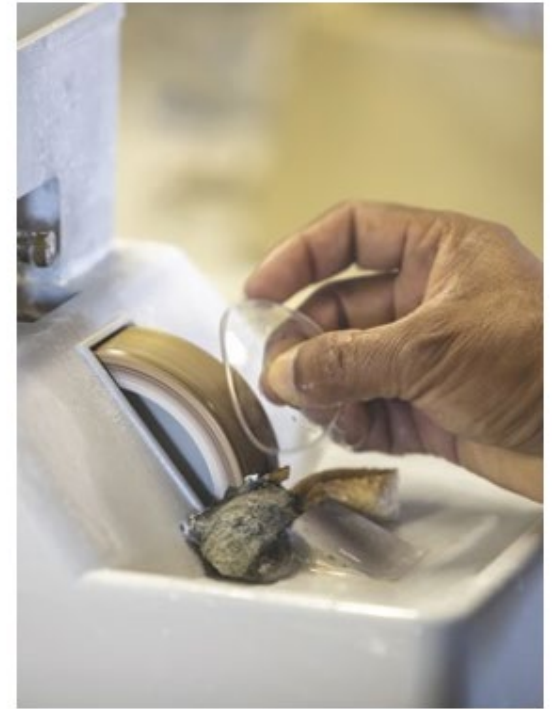
2. Turn garnet ore into abrasive products



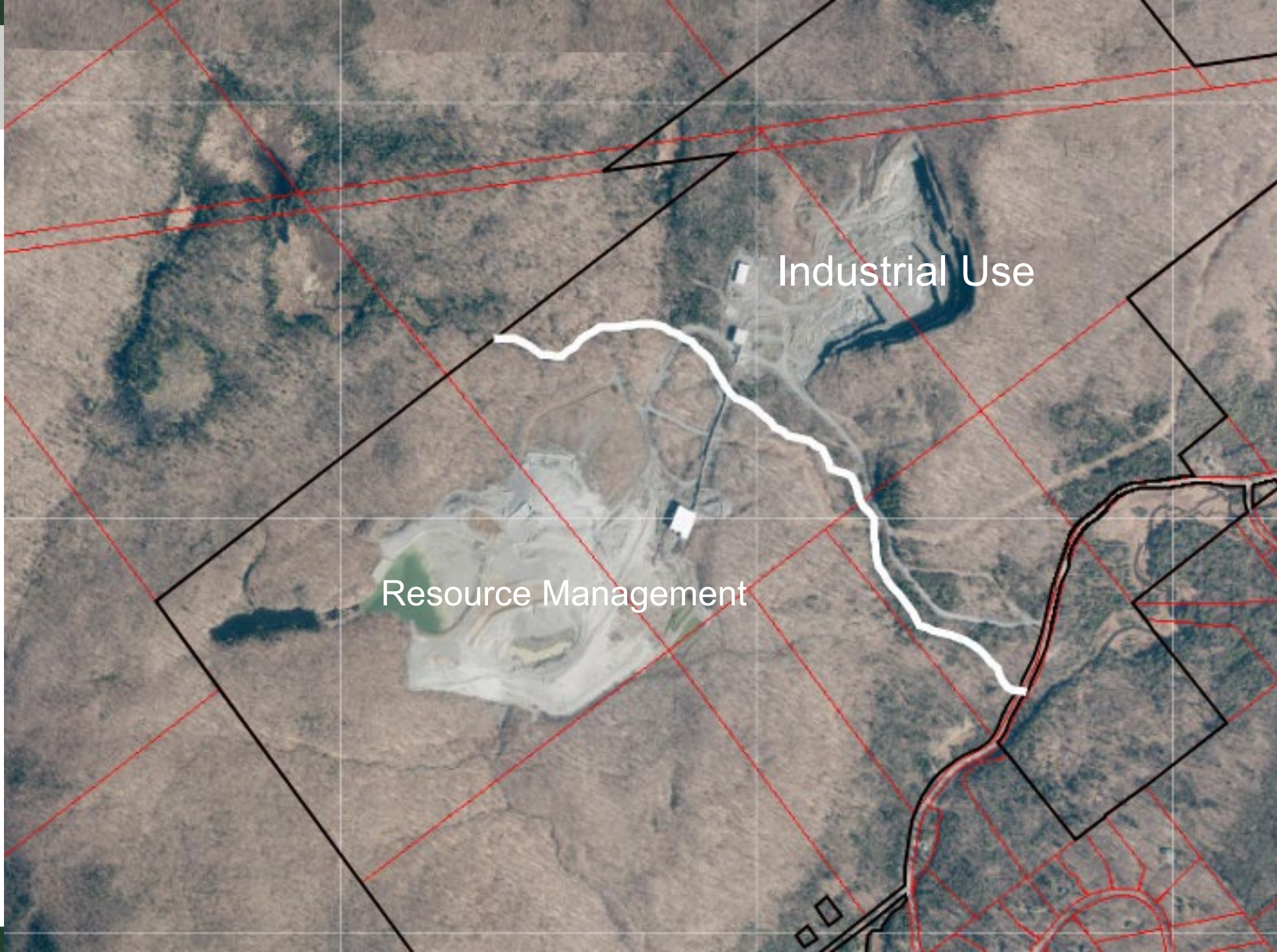
Waterjet Cutting



Abrasive Blasting



Specialty Finishing



Industrial Use

Resource Management



Co Rd 10

















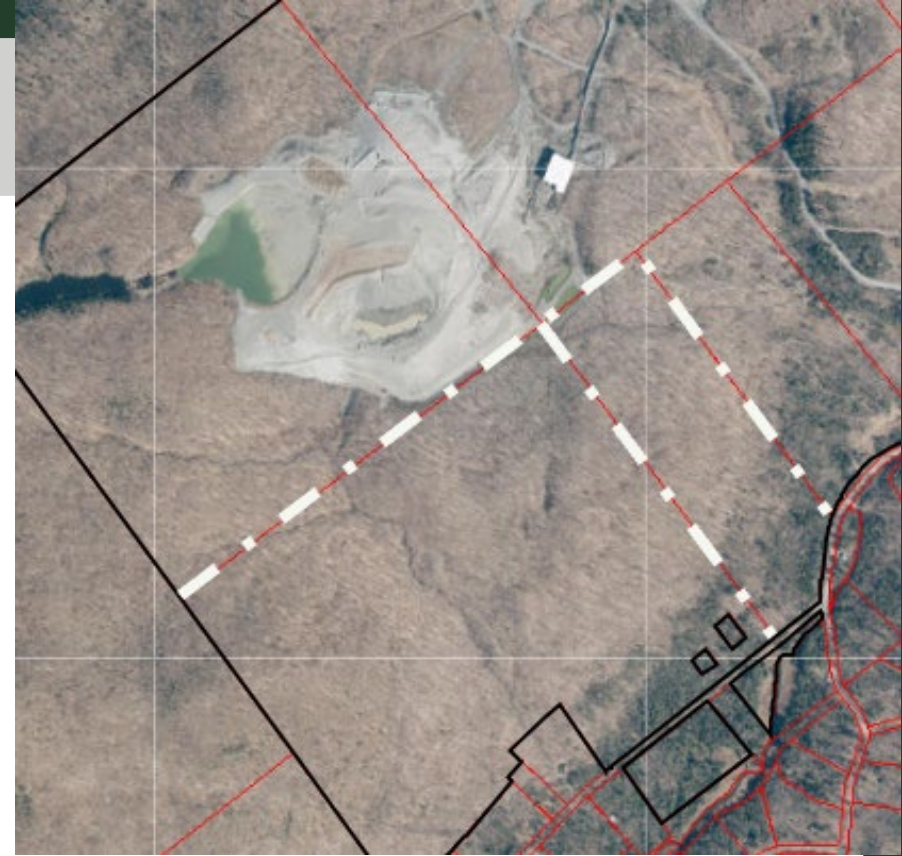
Proposed Modifications

Proposed Modifications [Slide 1 of 3]

- As currently permitted by APA and DEC
 - Approx 18 years of quarry life remaining
 - Will run out of storage capacity for residual minerals in 4 years
 - All mining will cease within 4 years
- Current proposal for
 - Approx 66 years quarry life
 - Approx 66 years storage capacity for residual minerals
 - Extension of mining operations by approx. 62 years vs. current permits
- No change to method or rate of mining
- Five-year permit terms

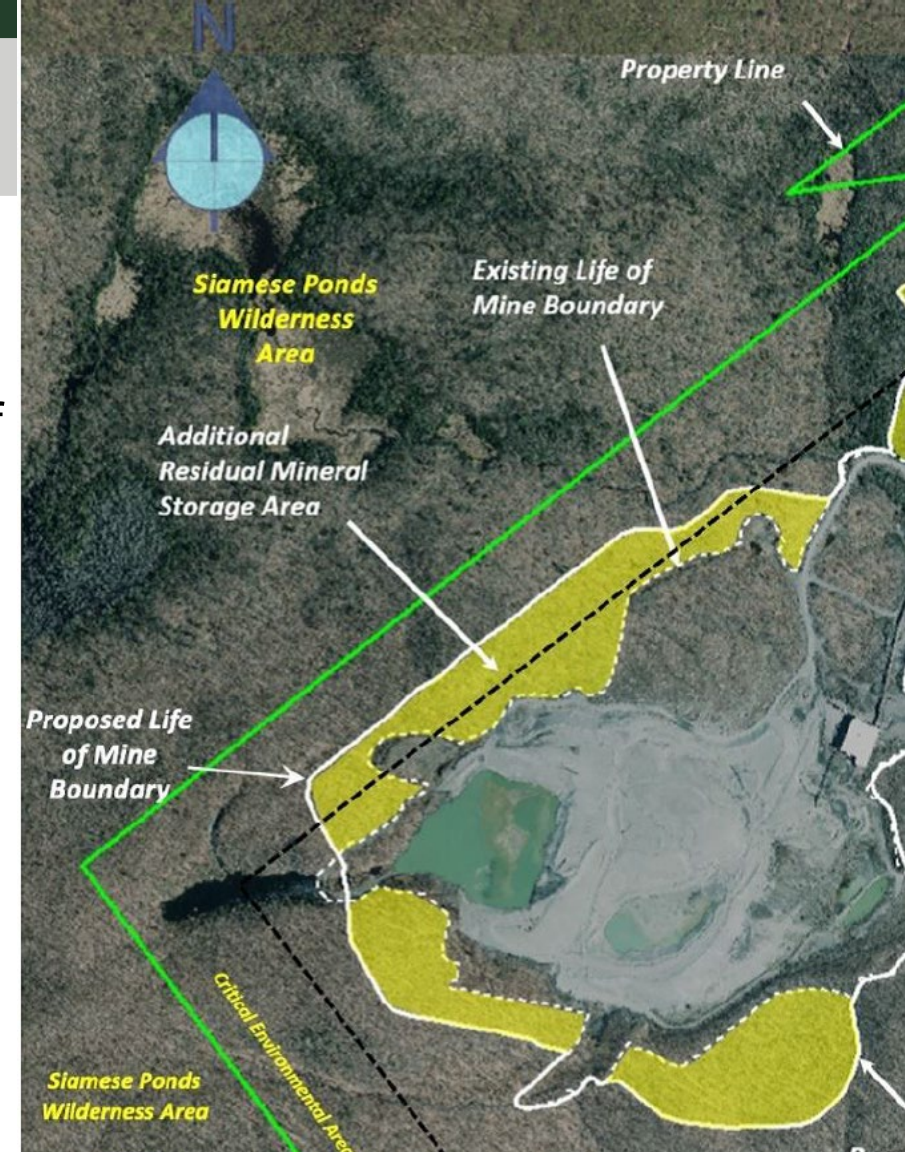
Proposed Modifications [Slide 2 of 3]

- **The five-year permit term:**
 - Expansion of the RM pile footprint from 73 to 88.4 acres
 - Includes 7.5 acres on the northern portion of two parcels where mining activities have not been previously authorized
 - Lowering the quarry floor from an elevation of 1,860 feet to 1,790 feet amsl.
 - Increasing quarry mining activities from 7am – 3:30pm to 7am - 4:30pm, M-F.
 - Increasing supplier deliveries from 7am – 3pm to 7am – 5pm, M-F.
 - Increasing off-site truck trips from 5 per day to 16 per day, M-F, with offsite trucking hours reduced from 7am – 10pm to 7am – 5pm.



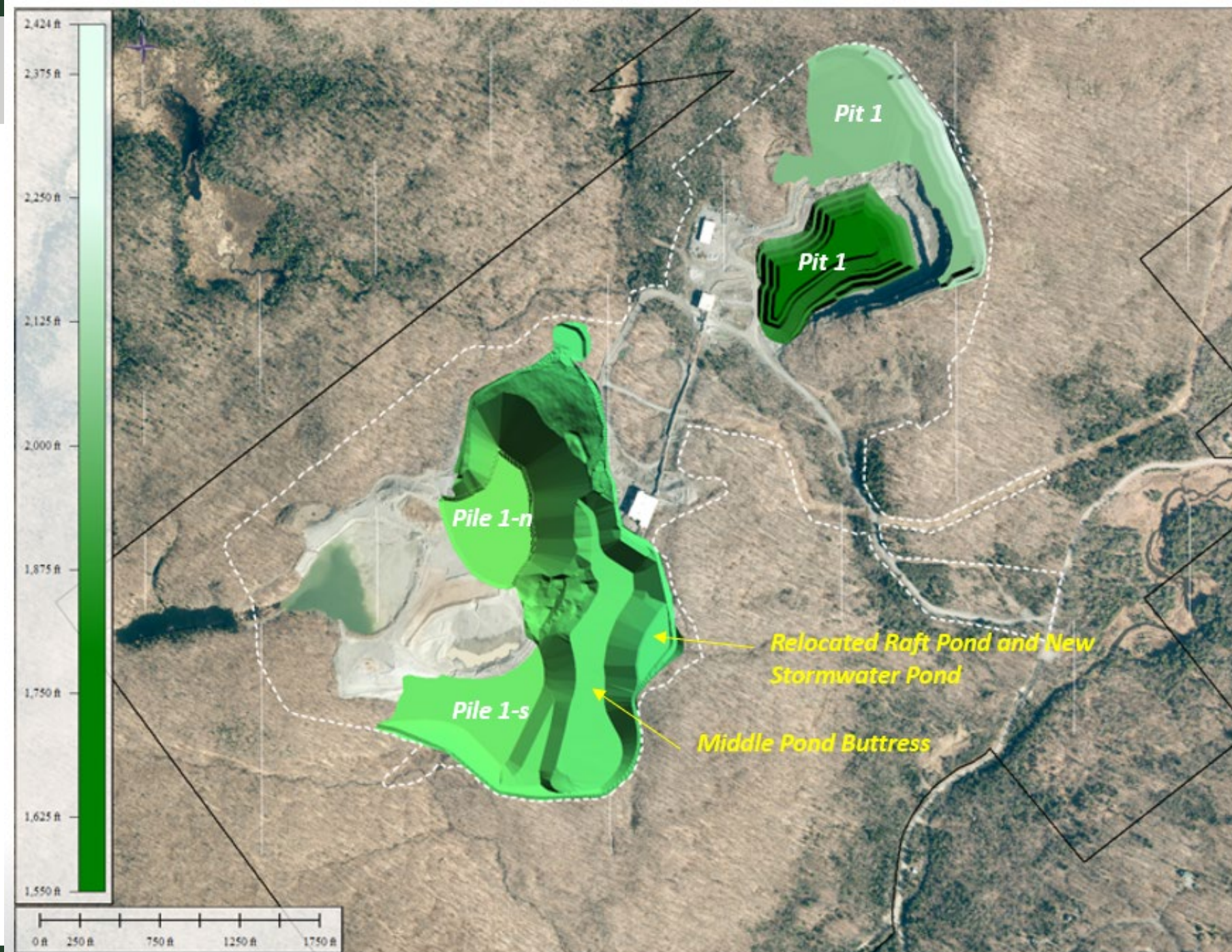
Proposed Modifications [Slide 3 of 3]

- The 66-year mine plan:
 - Expansion of the RM pile to a footprint of 128.2 acres
 - Including expansion into 10.3-acre area within 1/8-mile of the Wilderness Area, while maintaining 325 feet separation from the Wilderness boundary.
 - Expansion of the height of the RM pile from 2,275 feet to 2,375 feet amsl, with a final pile elevation of 2,355 feet amsl.
 - Lowering the quarry floor to an elevation of 1,720 feet amsl.
- Total Life of Mine of 253.1 acres
 - No cutting on the remaining 600 acres
- No changes proposed to the existing site processes, equipment (mobile or stationary) or operational capacity.



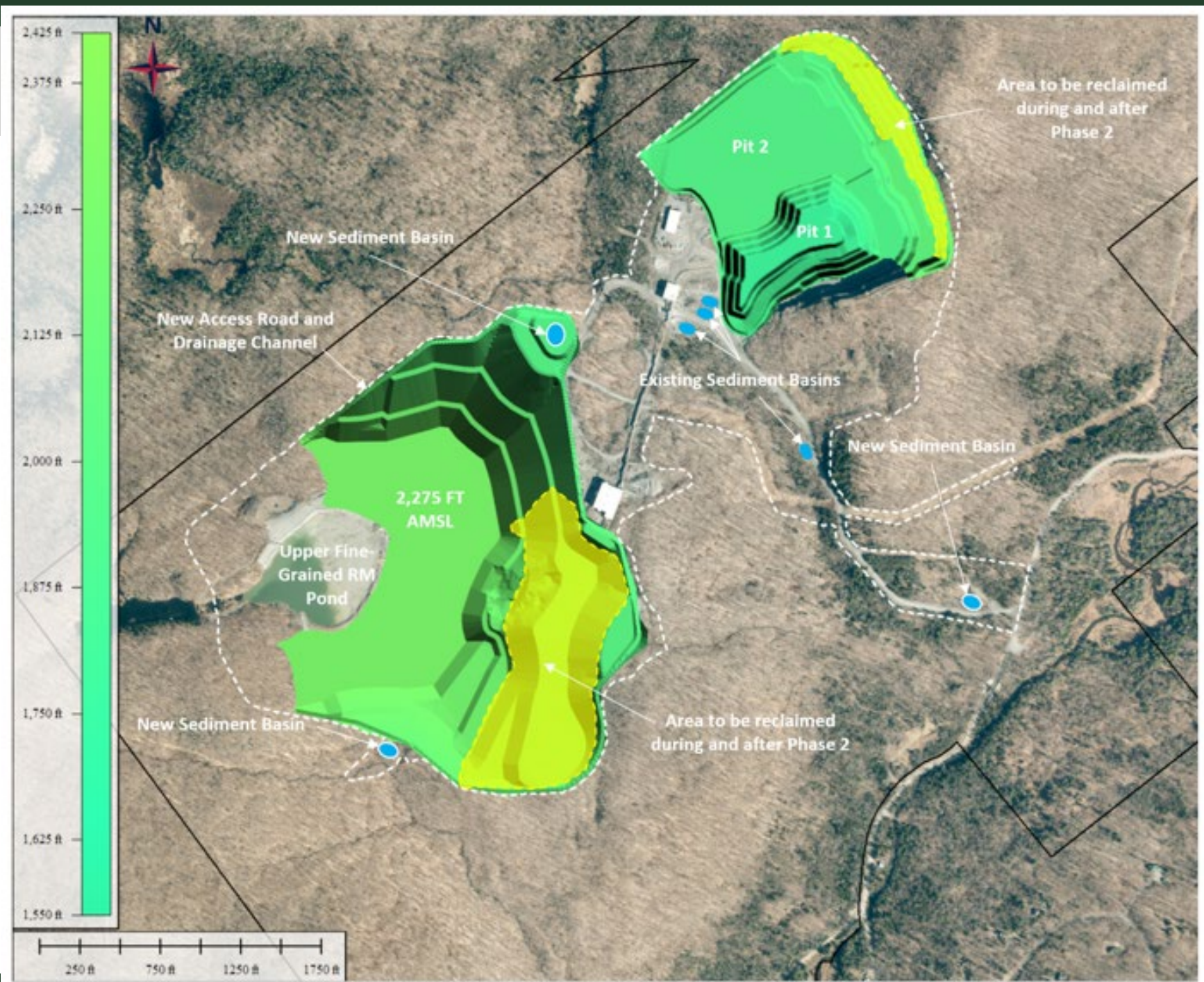
Phase 1

- Through year 2036
- RM pile footprint to 88.4 acres
- Quarry floor to 1,790 feet amsl
- 2+ permit terms



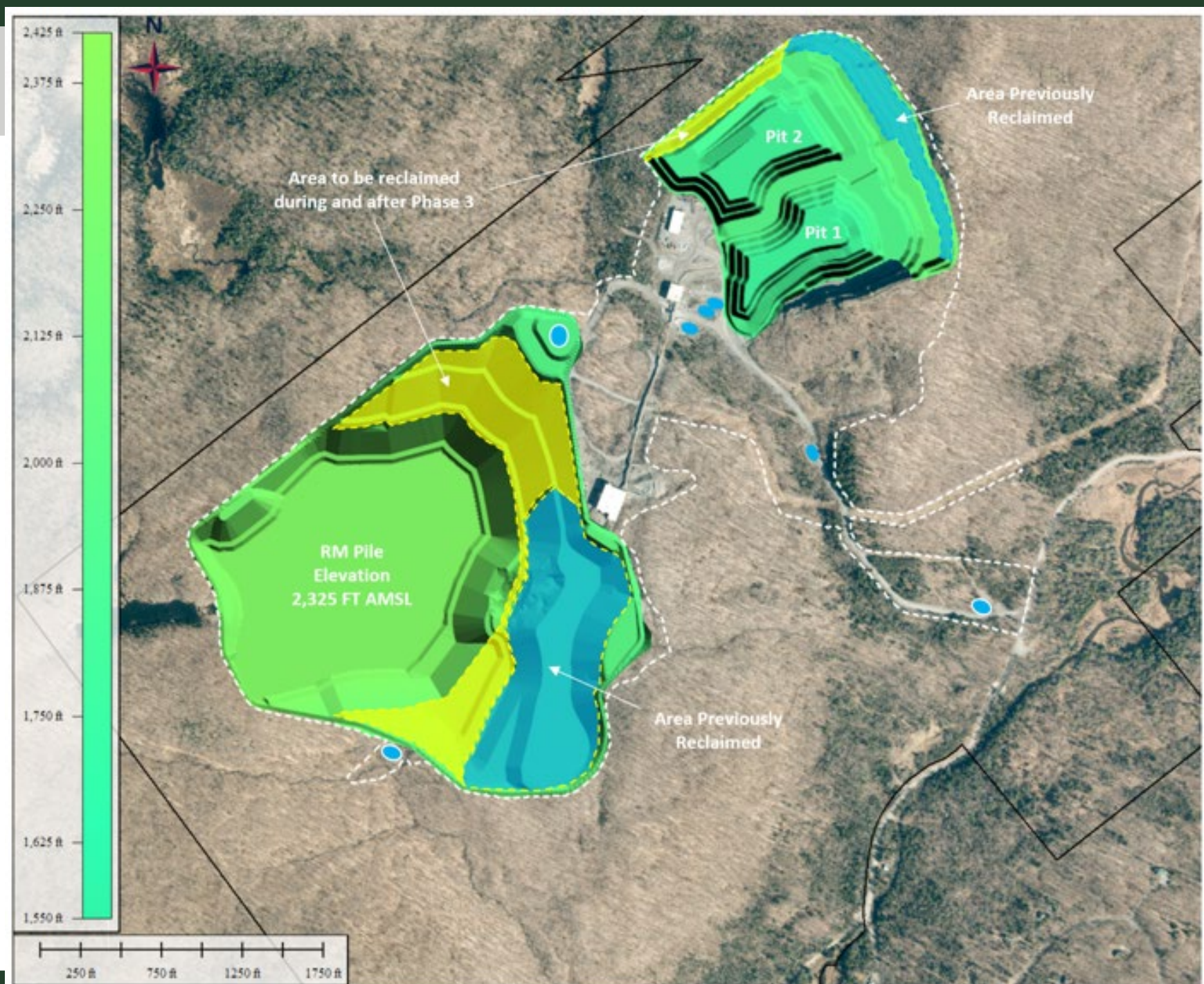
Phase 2

- Years 2037 – 2048
- RM pile footprint to 112 acres
- Pit 2 of quarry to 1,950 feet amsl
- Reclamation begins



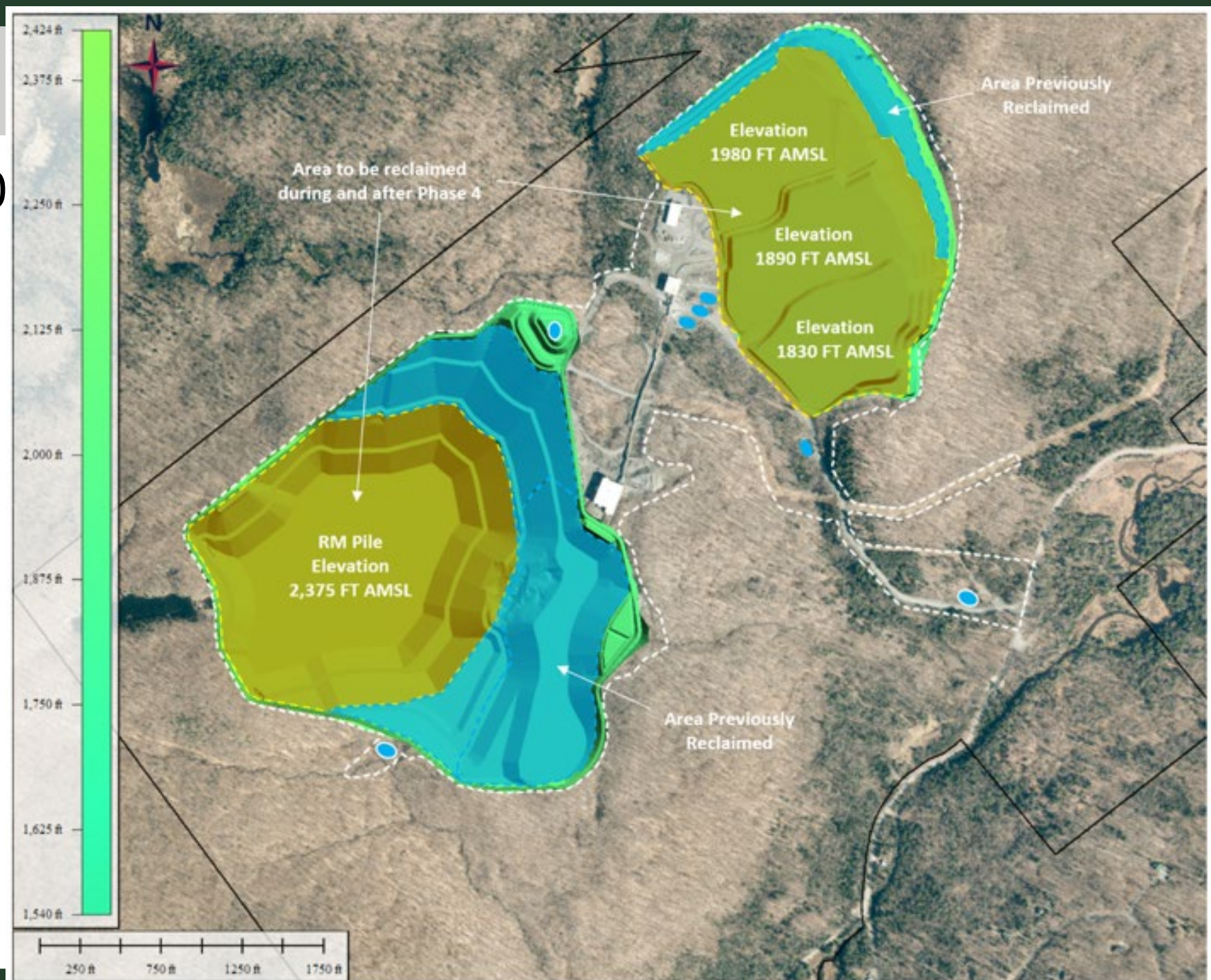
Phase 3

- Years 2049 – 2066
- RM pile footprint to max. footprint of 128.2 acres
- Pit 2 of quarry to 1,820 feet amsl
- Reclamation continues



Phase 4

- Years 2067 – 2090
- RM pile to max. height of 2,375 feet, then reduced to final height of 2,355 feet
- Pit 3 of quarry to 1,720 feet amsl
- Reclamation of remainder of RM pile and quarry area



Stormwater Controls

- The project site is regulated by DEC through a Multi-Sector General Permit (MSGP) for stormwater discharges associated with an industrial activity and with an Individual SPDES MSGP for industrial process water. As part of this MSGP, annual reporting to DEC is required.
- The stormwater pollution prevention plan (SWPPP) documents stormwater control practices, including erosion and sediment controls and procedures, to ensure compliance with the MSGP. Inspection reports can require corrective actions, if necessary.
- Application: the effects of future climate change on the long-term operations at the site, including post-reclamation conditions, have been addressed in the revised SWPPP. The SWPPP includes enhanced stormwater control measures such as retrofitting retention ponds with a perforated riser pipe outlet structure and increasing the size of retention ponds to increase detention times and help ensure controlled releases as storm events become more frequent.

Geotechnical Report

- Assessment of existing conditions of RM pile & review of previous geotechnical reports.
- Stability assessment for all phases of RM pile expansion – meets or exceeds industry standard factors of safety.
- Monitoring plan with annual reporting to APA & DEC.

I, Trevor Thomas, a licensed Professional Engineer in the State of New York, hereby certify that the work represented in the document is accurate, in conformance with applicable codes at the time of submission and has been prepared in conformance with normal and customary standards of practice and with a view to the safeguarding of life, health, property and public welfare.

Date: 8/29/2024



Barton Mines Geotechnical Review

Submitted by:

**Bowman Consulting, Engineering, Land Surveying and
Landscape Architecture**
179 River Street
Troy, NY 12180

Submitted to:

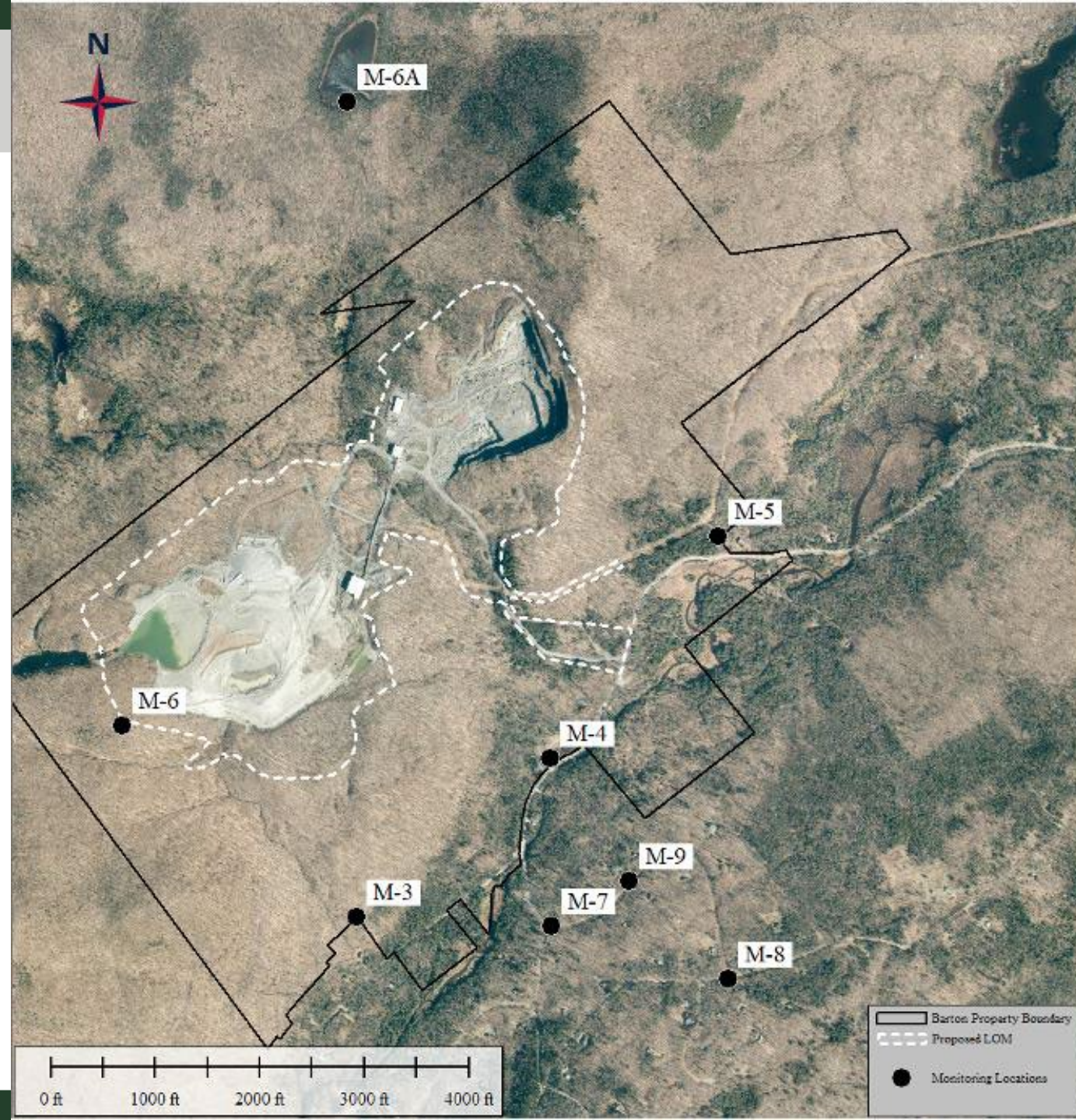
Barton Mines
North Creek, NY

August 2024

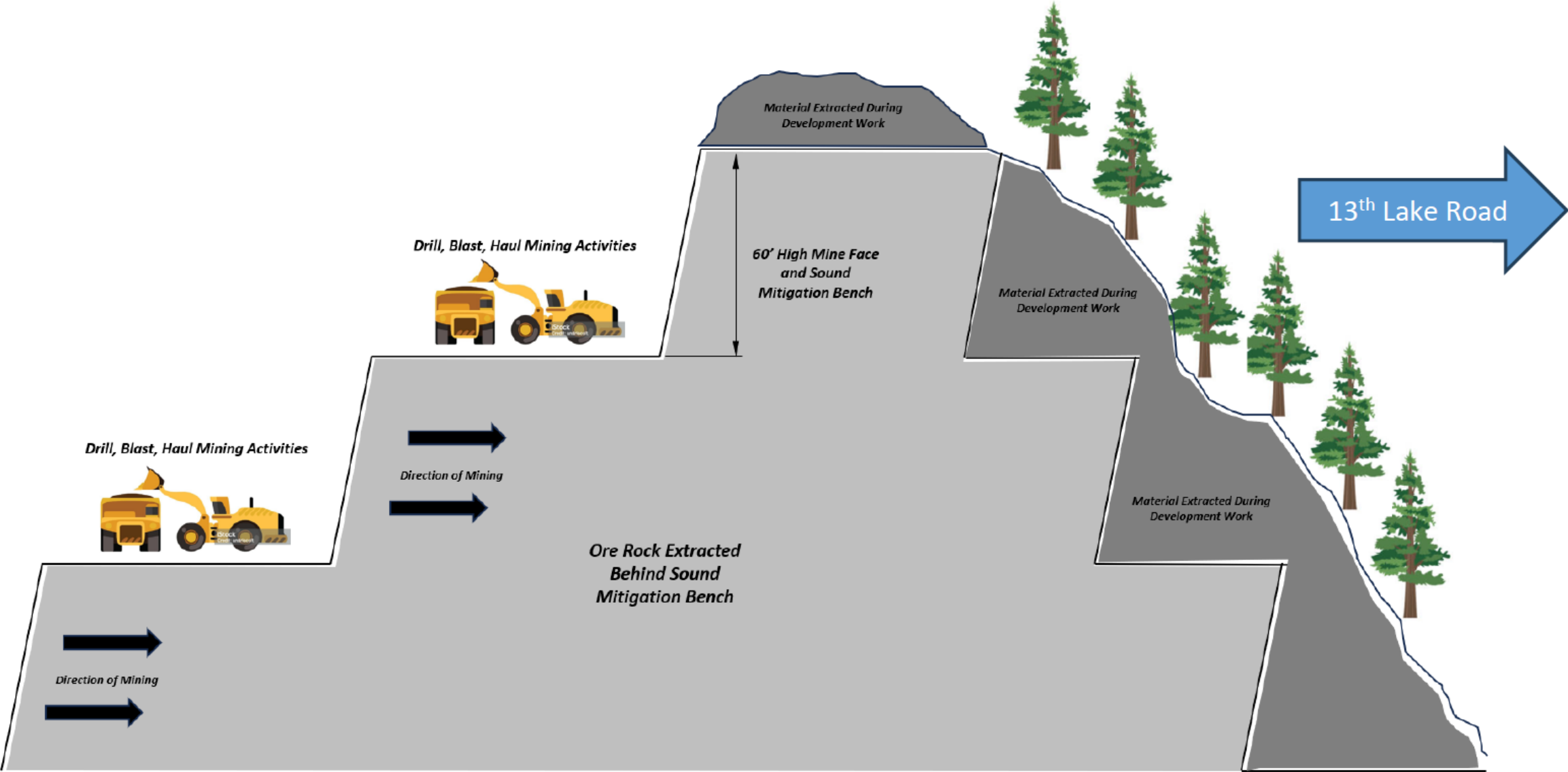
bowman.com

Noise Impact Assessment

- Quarry area is classified as Industrial Use.
- Assessment of existing noise conditions and noise to be produced by proposed project site modifications
 - On-site operations 7am – 4:30pm
- Noise levels modeled and calculated to nearest receptor locations.
- Site is regulated by MSHA.

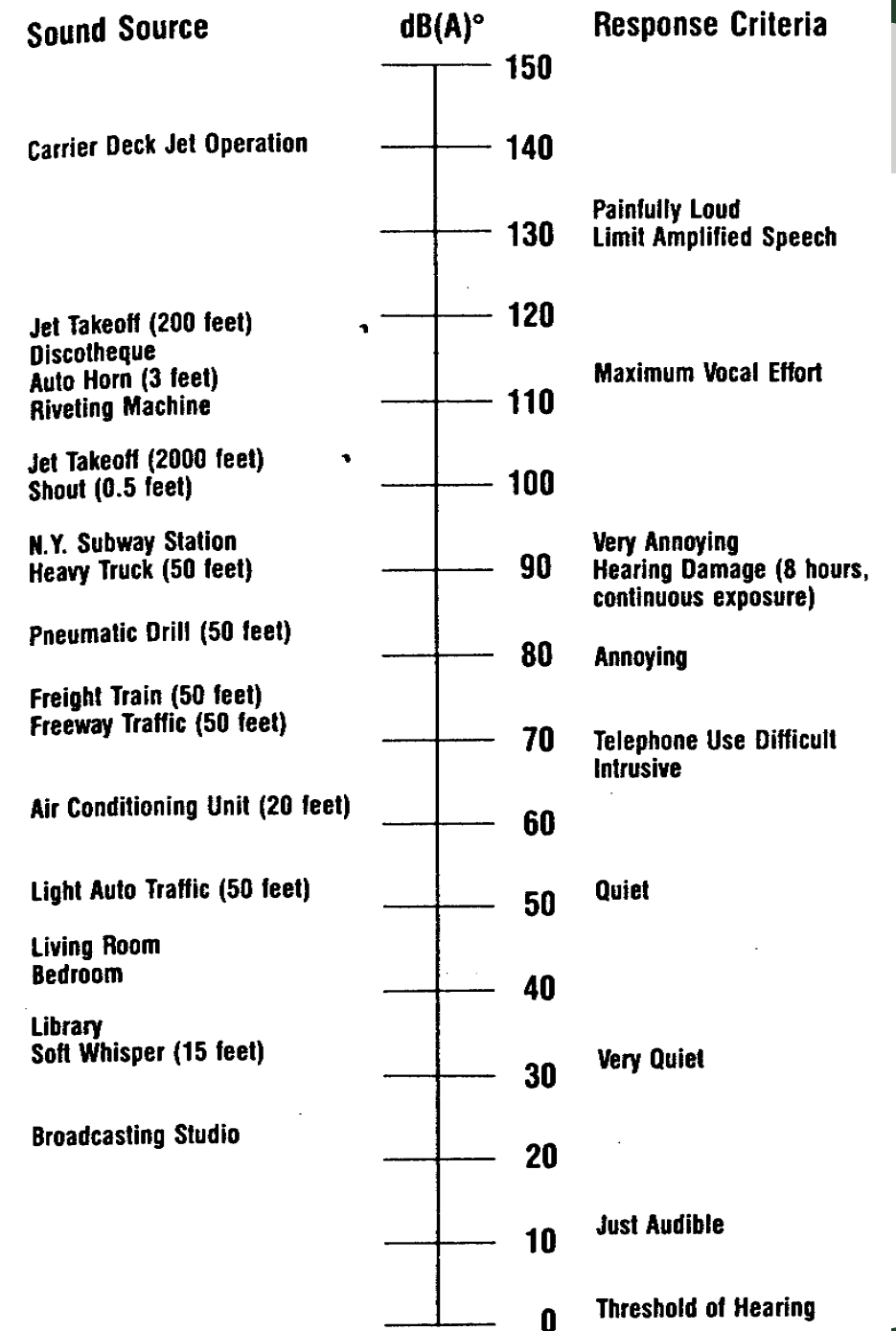


Noise Impact Assessment



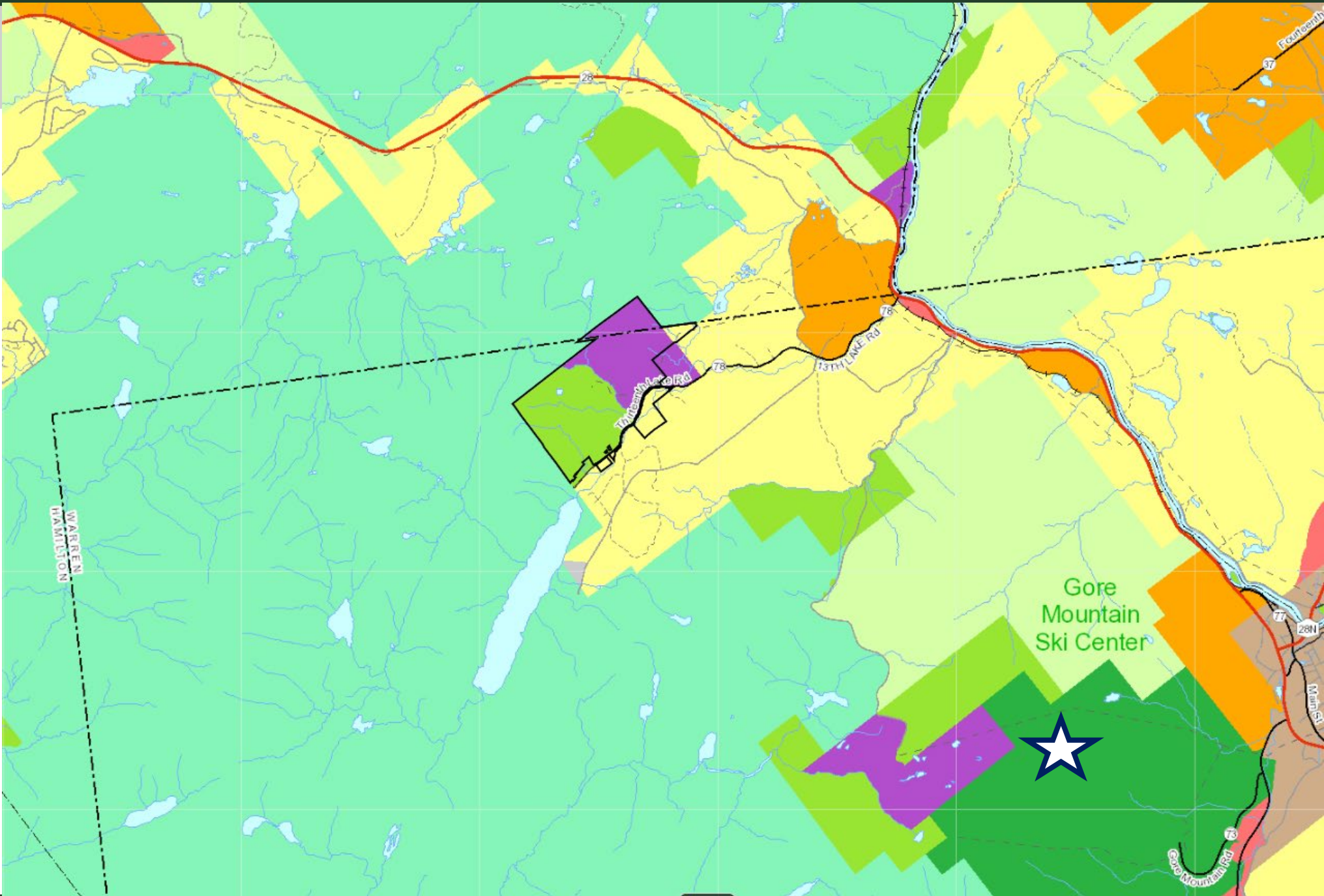
Noise Impact Assessment

- Table E from NYSDEC Program Policy – Assessing and Mitigating Noise Impacts, last revised February 2, 2001.
- The noise impact assessment concluded that the proposed permit modifications noise impacts at the adjacent nearby receptors in all 4 proposed phases of the project qualify as “very quiet to quiet.”



Visibility

- The existing RM pile was evaluated from the following public visual receptors within a 5-mile radius:
 - Gore Mountain Ski Area
 - Thirteenth Lake Road
 - Former Hooper Mine site (Forest Preserve)
- From the present until 2090, visibility of the project site from these 3 receptors will increase, but will be mitigated by concurrent reclamation (planting of vegetation during phases).
- Reclamation will include the existing RM pile that is currently visible and un-reclaimed.
- No increase in RM pile height during Phase 1.
- During Phase 4, the quarry may become partially visible from portions of Thirteenth Lake.



Gore Mountain Ski Area: Existing



**Gore
Mountain
Ski Area:
Phase 1**

**Through
year
2036**



**Gore
Mountain
Ski Area:
Phase 2**

**Years
2037-
2048**



**Gore
Mountain
Ski Area:
Phase 3**

**Years
2049 -
2066**



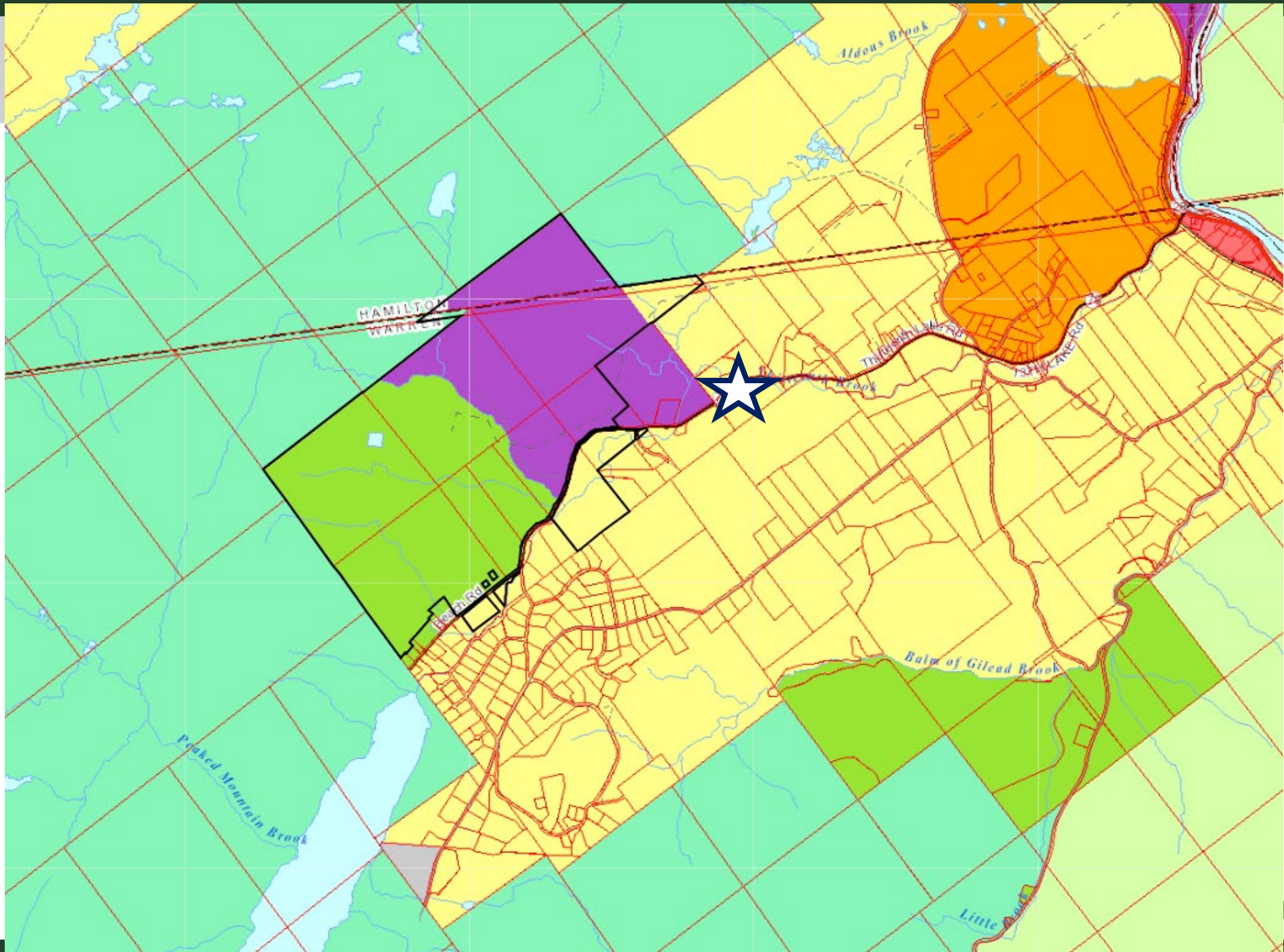
**Gore
Mountain
Ski Area:
Phase 4**

**Years
2067 -
2090**



**Gore
Mountain
Ski Area:
After Final
Reclamation**





**Thirteenth
Lake Rd:
Existing**



**Thirteenth
Lake Rd:
Phase 1**

**Through
year
2036**



**Thirteenth
Lake Rd:
Phase 2**

**Years
2037 -
2048**



**Thirteenth
Lake Rd:
Phase 3**

**Years
2049 -
2066**



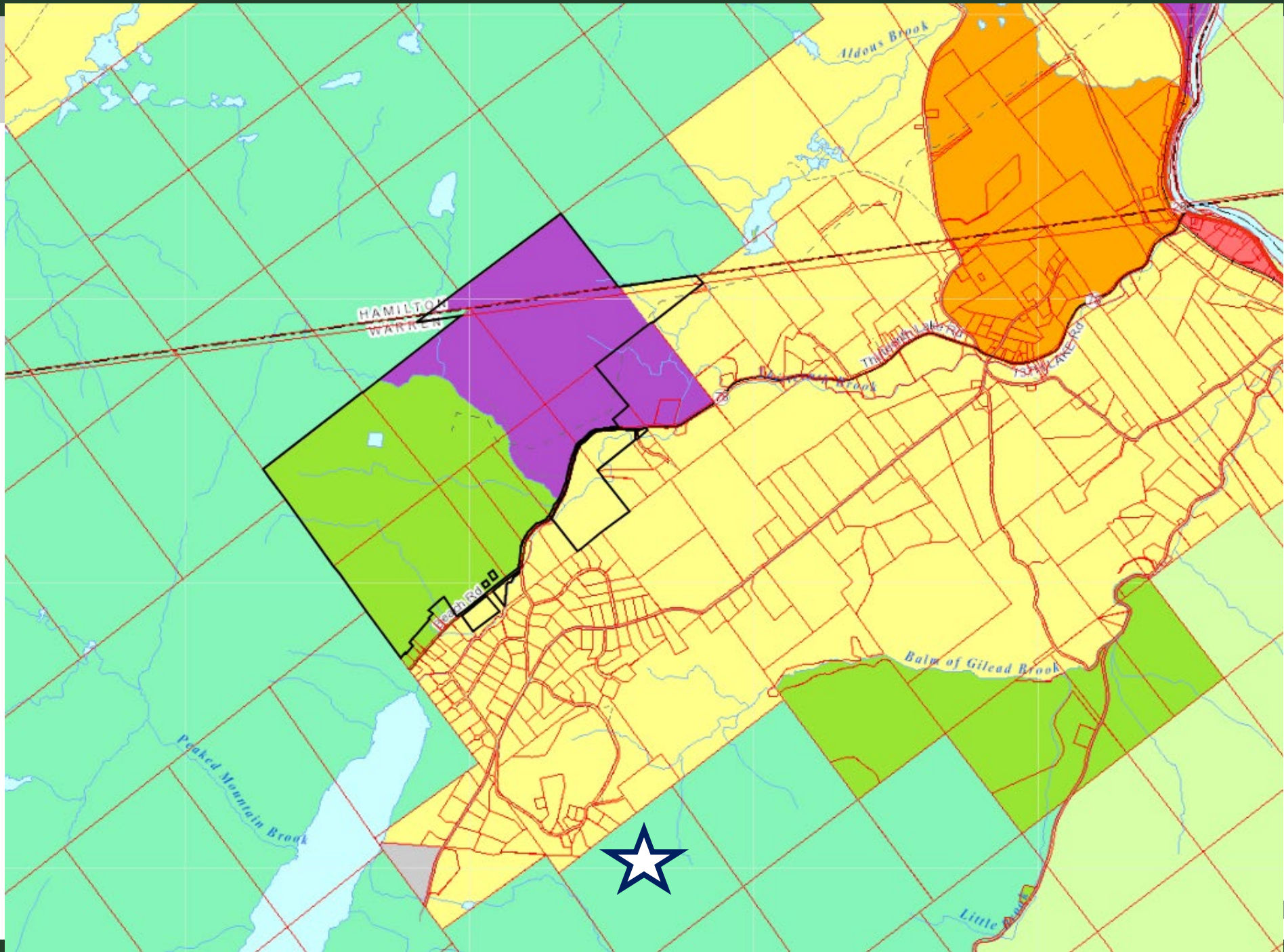
**Thirteenth
Lake Rd:
Phase 4**

**Years
2067 -
2090**



**Thirteenth
Lake Rd:
After Final
Reclamation**





**Hooper
Mine:
Existing**



**Hooper
Mine:
Phase 1**

**Through
year
2036**



**Hooper
Mine:
Phase 2**

**Years
2037 -
2048**



**Hooper
Mine:
Phase 3**

**Years
2049 -
2066**



**Hooper
Mine:
Phase 4**

**Years
2067 -
2090**



**Hooper Mine
After
Final
Reclamation**



Review by Others

Review by Others

- Towns of Johnsbury & Indian Lake (ALLUPs)
 - Johnsbury resolution in support in 2023
 - Indian Lake resolution in support in 2022 and 2023
- NYS Department of Environmental Conservation (DEC)
 - Mined Land Reclamation Permit
 - State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (GP) for stormwater discharges associated with industrial activity
 - Individual SPDES Permit for the discharge of industrial process water
 - Water Withdrawal Permit
 - Petroleum Bulk Storage (PBS) facility
 - Air Facility Registration
- NYS Office of Parks, Recreation & Historic Preservation
 - Determination: No impact on historic or archaeological resources

Public Comment

Public Comment

- Project notices sent to:
 - Adjoining landowners
 - Town & County officials
 - Local Government Review Board
- Application completion notice posted to:
 - Environmental Notice Bulletin
 - Agency website – project file posted on 9/20/2024
- Public comment period: 9/25/2024 – 10/10/2024 and extended through 11/6/2024

Public Comments Received

- 631 comments received prior to application completion (2021-2024)
 - 555 in favor (148 form-style letters)
 - 75 opposed
 - 1 question
- 798 comments received during the public comment period (Sept. 25 – Nov. 6, 2024)
 - 370 in favor
 - 428 opposed (269 form-style letters)

Comments in Favor

- Resolutions of support from:
 - Hamilton County Board of Supervisors, Essex County Board of Supervisors, Warren County Board of Supervisors, Local Government Review Board
- Long company history within the Adirondack Park
- Local jobs from a local employer
- Industry and the environment in balance

Comments Opposed [Slide 1 of 6]

- Concern: Noise impacts
- Staff Analysis:
 - Quarry area is classified as Industrial Use.
 - APA Act: “Industrial use areas will encourage the continued operation of major existing industrial and mineral extraction uses important to the economy of the Adirondack region and will provide suitable locations for new industrial and mineral extraction activities that may contribute to the economic growth of the park without detracting from its character. Land uses that might conflict with existing or potential industrial or mineral extraction uses are discouraged in industrial use areas.”
 - The Agency permits authorizing the mine in the 1970s and 1980s set no limits on hours of operation of the mill, size of the life of mine, or permit term length. No further Agency review is required for continuing operation under these terms.

Comments Opposed [Slide 2 of 6]

- Concern: Noise impacts
- Staff Analysis:
 - Noise impact assessment modeled the “worst-case” scenarios of the site modifications to the nearest adjacent and public receptors.
 - Pursuant to DEC Noise Policy, (followed since its adoption by both APA and DEC), the results establish that the public receptor impacts in all four phases qualify as “quiet to very quiet” as indicated on Table E of the DEC Noise Policy.



Comments Opposed [Slide 3 of 6]

- Concern: Visual impacts
- Staff analysis:
 - The RM pile has grown to its current size and height over the past 30 years, as authorized by P87-39B, issued in July 1994.
 - Not anticipated to become newly visible from public locations where it is not already visible.
 - VIA shows that there will be no new visual impact during the 5-year permit term.
 - None of the pile that is visible from off-site has been reclaimed to date. A new permit would supersede all previous permits and require concurrent reclamation as proposed.

Comments Opposed [Slide 4 of 6]

- Concern: Potential impacts related to the Climate Leadership & Community Protection Act
- Staff analysis:
 - Application: the most effective source of industrial garnet in the world, used across sectors including aerospace, electronics, shipyards, municipalities and defense
 - One of only four large hard-rock garnet mines in the world
 - Production would cease in 4 years under current permits
 - No change to method or rate of mining
 - Increase from generally 3-5 offsite truck trips/day to limit of 16/day
 - Proposal involves no cutting at all on the 600 acres outside the Life of Mine, with the 253.1-acre Life of Mine replanted and structures removed through reclamation
 - Timber harvesting currently allowed on 221±-acres, cutting limits unclear on remaining 580+ acres
 - Stormwater Pollution Prevention Plan (SWPPP) incorporates provisions to account for long term climate projections

Comments Opposed [Slide 5 of 6]

- Concern: The public comment period was too short
- Pursuant to Section 809 of the APA Act:
 - APA has 15 calendar days after receipt of an application or additional information to determine whether the application is complete
 - Determination to hold an adjudicatory hearing must occur within 60 days of completion
 - Projects cannot be denied without first being sent to adjudicatory hearing by the board
- During the 60 days between completion and decision:
 - Upon completion, materials posted to APA website & sent to ENB
 - Notices are published in ENB 8-14 days after submission
 - Public comment end date must allow for time necessary for staff to collect, process, review, and analyze comments
 - Draft documents uploaded to website one week before board meeting

Comments Opposed [Slide 6 of 6]

- Concern: An adjudicatory hearing should be held
- Staff Analysis:
- Hearings must be held when:
 - Unclear facts prohibit the Agency from determining whether a project is approvable
 - Before an application can be denied
- Additional factors (9 NYCRR § 580.2(a)):
 1. The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected;
 2. The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations;
 3. The presence of significant issues relating to the criteria for approval of the project;
 4. The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed;
 5. The possibility that information presented at a public hearing would be of assistance to the agency in its review;
 6. The extent of public involvement achieved by other means;
 7. Whether an environmental impact statement will be prepared pursuant to the State Environmental Quality Review Act; and
 8. The statutory finding required by section 814(2) of the Adirondack Park Agency Act in the case of State agency projects reviewed thereunder.
- Order to go to hearing should identify fact issues to be adjudicated

**Staff Recommendation:
Approve with Conditions**

Conclusions of Law

- Development authorized:
 - ✓ Consistent with land use and development plan
 - ✓ Compatible with character description and purposes policies, and objectives of each land use area
 - ✓ Consistent with overall intensity guidelines
 - ✓ Complies with shoreline restrictions
 - ✓ No undue adverse impact on resources of the Park
 - ✓ No impact to wetlands

Draft Permit Conditions (Slide 1 of 2)

- Activities authorized specific to the project plans; any of the following would require Agency review:
 - Any deviation from the project plans;
 - Any proposed impact to wetlands;
 - Any changes to existing water withdrawal from Thirteenth Brook.
- Five-year permit term; new permit required for any mining after 5 years.
- Supersede all previous Agency permits and ensure all conditions are enforceable.
- Vegetation removal only within the Life of Mine area.
 - No cutting on 595.5 acres
- Reduce off-site trucking hours from 7am – 10pm to 7am – 5pm.

Draft Permit Conditions (Slide 2 of 2)

- Annual reporting required
 - Trucking numbers, Geotechnical monitoring, Status of phased undertaking
 - All notifications and reporting to DEC, including for the Mined Land Reclamation Permit, State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (GP) for stormwater discharges associated with industrial activity, Individual SPDES Permit for the discharge of industrial process water, and Water Withdrawal Permit
- Follow SWPPP, which implements DEC's regulations
 - SPDES Multi-Sector GP for stormwater discharges associated with industrial activity, and Individual SPDES Permit for the discharge of industrial process water
- Reclamation pursuant to Project Plans.



**Adirondack
Park Agency**

Barton Mines, LLC

Project Number 2021-0245

November 14, 2024



**Adirondack
Park Agency**