



## New York State Office of Parks, Recreation and Historic Preservation

The Governor Nelson A. Rockefeller Empire State Plaza • Agency Building 1, Albany, New York 12238  
www.nysparks.com

**David A. Paterson**  
Governor  
**Carol Ash**  
Commissioner

July 11, 2008

Mr. Peter Lent  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
Division of Environmental Permits  
Region 8  
Avon, NY 14414-0519

Re: Draft Scoping Outline Padua Gravel Pit

Dear Mr. Lent:

On behalf of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) I am providing these comments on the draft scoping outline prepared for this project. These comments supplement those that were submitted in my letter to you dated July 1, 2008, and presented at the public scoping meeting in Montour Falls.

To reiterate those comments, OPRHP requests that the scope for this Draft Environmental Impact Statement (dEIS) include and thoroughly address all potentially significant adverse impacts to Watkins Glen State Park and the surrounding community. The draft scoping document includes statements on issue areas that DEC contends do not require further analysis. OPRHP believes that the issues raised in our previous correspondence warrant more complete analysis and we request that all of the issues identified below be fully identified, analyzed and mitigated in the dEIS. In addition, inclusion of these areas of concern will provide for a more complete and thorough review.

To set the appropriate context for the dEIS, the project should not be referred to as an extension of a historic mining operation. Past use of the area was at a very low level. The operation of the mine and the change of landscape prior to It's Greener Now's ownership occurred on 9+ acres over a period of some 19 years. The proposed expansion permit would result in an industrial-scale operation that will disturb 71+ acres in 20 years. In addition, the historic mine operation did not include extraction for transport out of the area by rail. Development of the rail spur loading operation is a completely new component.

- Ecological Resources

In the Draft Scoping document, Ecological Resources – A. Existing Environmental Setting, it states that:

The level of analyses expected of the applicant will be dependent upon the availability of information in existing published scientific and natural history literature, NYSDEC data (where available), status and trends reports, life history accounts, and other appropriate sources of information. In the absence of such information or if such information is inconclusive, the applicant may be required to conduct additional site- and project-specific studies to assess potential impact from the project.

Of primary concern to OPRHP is the impact the mining operation may have on the natural resources and biodiversity in the gorge and along the north rim of the gorge. This biological information is important in the decision making process, and it is OPRHP's position that this information should be required to be collected.

- Water Resources

At OPRHP's request, USGS staff reviewed recent submittals by IGN for the proposed gravel mine expansion and identified additional information needs. As stated in the April 18, 2008, letter from USGS (Ed Bugliosi to Sue Poelvoorde):

The types of information that are still lacking, which would enable a more complete assessment of the effects of the proposed mining expansion on the hydrology of the gorge include:

- a. A companion map of the hydraulic heads (water table) in the deltaic, unconfined aquifer, in which the gravel-mining expansion operations will take place, is needed. Water-level data is presented by H2H in a table for four wells completed in the deltaic deposits (assuming that this is where the screens were located in these deposits) however, the depth of the screens are not located on the geologic sections. More information to the east and south of the IGN property would be useful to determine the direction of ground-water flow in the deltaic deposits. The potentiometric surfaces shown on the geologic sections are those of the bedrock system and not the deltaic sediments. The difference may be significant in some areas, for example, the water level in B-1S is more than 20 feet higher than that estimated for the bedrock potentiometric surface.
- b. While the proposed mining plan is to only remove gravel from above the water-table, the normal-seasonal-fluctuation-of-water-table elevation remains unknown in relation to the proposed floor of the mine. We understand that a 5-foot zone of separation is

required by DEC between the floor of the mine and the water-table. It would be relevant to have at least one complete annual cycle of water-level data to evaluate possible seasonal fluctuations in the water table and the relation to the lower limits of mining. The highest water levels usually occur in the spring of the year so it is hoped that IGN is still collecting water-level data and will do so throughout the operation of the mining.”

Also, USGS indicates that the following further information is required to understand impacts of the proposed mining expansion on the gorge:

- a. What is the glacial and bedrock stratigraphy and water levels within these units in areas east and south of the IGN property to the Watkins Glen gorge – and how might this information pertain to the local hydrogeology of the Watkins Glen gorge?
- b. What are the hydrologic conditions east and south of the proposed mining expansion area in the unconsolidated and bedrock aquifers?
- c. Where in the gorge are the seeps and springs that are vital to the ecology of Watkins Glen? A hydrogeologic study of the gorge cataloging its springs/seeps and their recharge areas and hydraulic connection would enable a better understanding of the gorge’s hydrology and sources of recharge to these hydrologic features.
- d. The purported buried glacial channel, discussed in H2H’s March report, may have an important influence on the hydrology of the gorge but has not been characterized. The purported channels are not indicated on the H2H geologic sections, as only one of their wells is located within the channel system. Therefore the geologic sections are generalized based on their data only.

In addition to the potential adverse effects on ecology, OPRHP has a concern over potential changes in climactic conditions as they impact park users moving through the gorge. There is a need to describe these conditions (and their changes seasonally) in scientific terms and to also provide the findings from an evaluation of potential changes due to the much expanded mining operation. OPRHP is particularly interested in what happens under a worst case scenario, i.e. drought conditions.

- **Surface Water**  
Short-term testing and monitoring of the park’s potable water supply should be included. The dEIS should discuss requiring long-term monitoring of potential effects on the park’s water supply and require reporting to OPRHP.
- **Air Resources, Noise and Dust**  
Noise impacts need to be further analyzed. Studies should be conducted to consider cumulative impacts (worst case) of noise from simultaneous mining operations, rail car loading and conveyor operations and various

combinations of operations. Studies should also be conducted to measure noise levels during the 5:00 a.m. to 7:00 a.m. plant operation when ambient levels would be the lowest and would be particularly disruptive to park patrons in the park's campground. The existing study only covered the operating time period between 7:00 a.m. and 12:00 noon, and did not include testing during the full operation of the plant. An expanded noise study should consider additional receptors in the park, especially at the campground. OPRHP staff should identify these receptor areas.

Project information indicates that the interior plant access roads will be sprayed to keep down the dust. Analysis of quantity of dust from increased operations needs to be identified with respect to impact on surrounding vegetation and water resources.

- Traffic and Transportation

The volume of truck traffic that could result from the expanded operation of the mine needs to be addressed. It is not in keeping with the intent of SEQR to dismiss an analysis of traffic based on the historic operating level. The applicant is requesting a very large change in the life of mine operation which could result in a significant increase in traffic, up to potentially 40 vehicle trips per hour (as opposed to the current use of 17 trucks per *day*). A traffic assessment needs to evaluate the increase in traffic based on the permit expansion (14+ acres to 106+ acres) with respect to noise, speed of the trucks in and out of the mine, impact on the safety of local residential traffic and the experience of park users and historic race course visitors.

In addition, with respect to the historic Watkins Glen Grand Prix Race Course, there is a need to evaluate the impact of the gravel that spills out of the trucks onto N.Y.S Route. 409 with respect to potential damage to the antique cars that frequent this historic resource, which will negatively impact the experience and the future interest of drivers to tour the course.

- Visual Resources

Watkins Glen is a major tourist destination due to the confluence of the park, wineries and race course, and is marketed heavily in "I Love NY" and local tourism campaigns. The dEIS needs to recognize the importance of aesthetics to the tourism economy of the area and the potential impact that a 15-acre open, raw mine pit will have on the visual character of the area.

An extended visual impact report and discussion needs to be completed. There are locations in the Watkins Glen area that were not evaluated in prior analyses. Visual impacts to these areas (Clute Park in the Village, N.Y.S. Routes 79 and 414, Seneca Lake and other areas where it can be clearly seen on-the-hillside) should be analyzed and potential impacts should be included and considered in the dEIS.

Berms that are proposed as mitigation, as well as the berms that have already been constructed, change the feel of the drive along N.Y.S. Route 409, particularly with respect to the historic race course. Previously the area was open and now it is closed in changing the feel of the roadway. This impact needs to be discussed and mitigated.

There also needs to be an analysis of the visual impacts of the conveyor under N.Y.S. Route 409 on the approach to the park and on the existing community character.

- **Human, Economic and Community Resources**

The local economy is tourism based and the expansion of the mine could impact the economics of the area with respect to adverse changes in the visual appeal and the noise, intensity and air quality changes associated with an increase in truck traffic. This is an area that is being promoted year round, and the significance of the area as a major tourism destination in New York State needs to be acknowledged and impacts of an industrial-scaled mine operation mitigated.

The dEIS should discuss growth inducement and how this proposal may affect future growth and development of the area either positively or negatively.

- **Stormwater Management**

The current mine operation has been recently cited (September 14, 2007) for a stormwater management violation. Added scrutiny is warranted for the very large expansion of the life of this mine.

In light of the climate changes and frequency of more severe storm events, it is relevant to require that additional evaluation be performed for multiple successive 100-year storm events and a 500-year storm event.

- **Cultural Resources – Historic & Archaeological Resources**

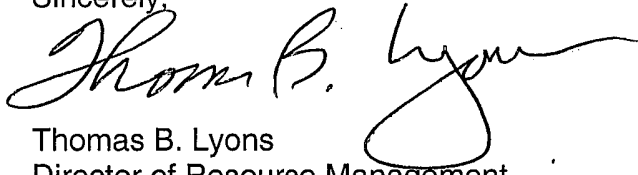
Impact on the historic Watkins Glen Grand Prix Course should be evaluated based on the “worst case” scenario of truck traffic in and out of the mine and the quality of the conditions of N.Y.S. Route 409 with mud and gravel debris.

OPRHP strongly recommends that the final scope of the dEIS includes an analysis of all of the potential impacts we have raised, in addition to the hydrologic issues documented by the USGS. Removal of these issues from the final scope of the dEIS would be, in OPRHP’s judgment, contrary to the intent of the scoping process and the purpose of the dEIS.

OPRHP requests an opportunity to review and comment on the preliminary final scope. The final formal Scoping Document will be important to the identification of the type and extent of expert evaluations by OPRHP staff or consultants.

Thank you for the opportunity to provide these comments. We look forward to reviewing the dEIS and participating in the legislative and/or adjudicatory hears on the dEIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Lyons". The signature is fluid and cursive, with a large loop at the end of the last name.

Thomas B. Lyons  
Director of Resource Management

cc. Tom Alworth  
Deputy Commissioner for Natural Resources

Tim Joseph  
Regional Director – Finger Lakes Region

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