

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<p><i>Traffic Related Comments</i></p> <p>Increased truck traffic will adversely affect the interest of clients of members of the Brainard Artisans Guild if it is a known truck route since clients may view entering and exiting the sites of local studio spaces as being dangerous.</p>	Eustace, Legislative Hearing 20 (July 11, 2006)	4.2.2.2, App. K, 4.2.1	4.2.1
Increased truck traffic will adversely affect the visual impact of the Brainard area with elevated truck traffic outside of local studio spaces.	Eustace, Legislative Hearing 20 (July 11, 2006)	4.2.2.1	4.2.1
Children who wait for buses, enter and leave buses, ride buses, and return home from buses along routes that the trucks from the proposed quarry are expected to transport material may be at an increased risk of serious injury as a result of increased truck traffic.	Hains, Legislative Hearing 55 (July 11, 2006); Sullivan, Legislative Hearing 147 (July 11, 2006); Email from Henrickson (Aug. 20, 2006); Letter from G. Boudreau (Aug. 21, 2006)	4.2.1, App. H	4.2.1
The level of operation proposed by TS&G may exceed the capacity of nearby intersections.	Hains, Legislative Hearing 55 (July 11, 2006)	App. H	4.2.1
The roads that might be used by trucks from the proposed quarry are winding, hilly, two-lane roads, with poor lines of sight.	Byer, Legislative Hearing 82–83 (July 11, 2006); Letter from O'Sullivan (Aug. 9, 2006); Letter from Root (Aug. 13, 2006); Letter from Forster (Aug. 19, 2006); Letter from G. Boudreau (Aug. 21, 2006); Letter from D. Boudreau (Aug. 21, 2006)	App. H	3.2.1.1
State Routes 66 and 43 and U.S. Route 20 are ill-equipped to handle the increased truck traffic that will result from the proposed quarry.	Magrow, Legislative Hearing 88–89 (July 11, 2006); Letter from Root (Aug. 13, 2006); Letter from Deveney (undated); Letter from Forster (Aug. 19, 2006)	4.2.1.3, App. H	4.2.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The increased truck traffic will increase the risk of serious motor vehicle accidents.	Magrow, Legislative Hearing, 95–96 (July 11, 2006); Sullivan, Legislative Hearing 147 (July 11, 2006); Email from Henrickson (Aug. 20, 2006); Letter from Root (Aug. 13, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Forster (Aug. 19, 2006); Letter from G. Boudreau (Aug. 21, 2006); Letter from D. Boudreau (Aug. 21, 2006)	App. H	4.2.1
The New York State Department of Transportation "took exception" to the initial input of the Traffic Impact Study (by letter dated July 15, 2005), and therefore Appendix H had to be revised.	Magrow, Legislative Hearing, 97–98 (July 11, 2006)	N/A	4.2.1
The traffic mitigation measures and the bases for the conclusions in Appendix H do not account for the unintended northbound truck traffic along State Route 66 that will result from the prohibition of left turns out of the proposed site.	Gallagher, Legislative Hearing 129–30 (July 11, 2006); Letter from Robertson (undated); Letter from Murphy (Aug. 17, 2006); Letter from Thomas (Aug. 15, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Carle (undated)	App. H, 4.2.1.4	4.2.1
Considering that trucks leaving the site will be prohibited from turning left out of the site, and will therefore be required to head north initially, the DEIS does not clearly address in what manner the trucks will ultimately head south (including at what point, if any, the trucks will turn around on State Route 66).	Gallagher, Legislative Hearing 129–30 (July 11, 2006); Letter from Robertson (undated); Letter from Murphy (Aug. 17, 2006); Letter from Thomas (Aug. 15, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Carle (undated)	4.2.1.4, App. H	4.2.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The increased truck traffic will pose an inconvenience to other commuters.	Sullivan, Legislative Hearing 147 (July 11, 2006); Dwyer, Legislative Hearing 159–60 (July 11, 2006); Email from Henrickson (Aug. 20, 2006); Letter from Teicholz (Aug. 5, 2006); Letter from Murphy (Aug. 17, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from O'Sullivan (Aug. 18, 2006); Letter from G. Boudreau (Aug. 21, 2006)	4.2.1.3, App. H	4.2.1
The DEIS should characterize all local roads as possible truck routes because the proposed site will be selling product at retail from the site itself. Some local roads are not intended to be used as truck routes and will therefore suffer considerable wear and tear and hazardous conditions.	Dwyer, Legislative Hearing 159 (July 11, 2006); Letter from Robertson (undated); Letter from Dwyer (Aug. 17, 2006); Letter from D. Boudreau (Aug. 21, 2006)	4.2.1.2, 4.2.1.4, App. H	4.2.1
The DEIS inaccurately states the width of the shoulders of some roads, including State Routes 43 and 66 and U.S. Route 20, which have shoulders of less than 3 feet in some areas.	Dwyer, Legislative Hearing 159 (July 11, 2006); Letter from Root (Aug. 13, 2006); Letter from Robertson (undated); Letter from Murphy (Aug. 17, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Forster (Aug. 19, 2006); Letter from G. Boudreau (Aug. 21, 2006)	App. H	3.2.1.1
The DEIS does not adequately address the noise of the increased truck traffic, nor does it adequately address the driving skill and behavior of the drivers.	Dwyer, Legislative Hearing 159–61 (July 11, 2006); Letter from O'Sullivan (Aug. 9, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from G. Boudreau (Aug. 21, 2006); Letter from D. Boudreau (Aug. 21, 2006)	4.2.1	4.2.1

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The DEIS must clarify which access road will ultimately be used. Currently, it states that it may either be the current access road or an access road to be constructed about 80 feet south of the current access road.	Letter from Dangler (Aug. 21, 2006); Letter from Root (Aug. 13, 2006); Letter from Carr (undated); Letter from Robertson (undated); Letter from Thomas (Aug. 15, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006)	4.2.1.4, 1.0	2.2.1
The Traffic Impact Study should include the possibilities of an additional two mines, which have applications pending.	Letter from Ziello (undated)	4.2.1, App. H	9.4
Having only one access road to the site may pose a risk of emergency services not being able to enter the site when necessary.	Letter from Root (Aug. 13, 2006); Letter from Thomas (Aug. 15, 2006)	4.2.1.4, 1.0	2.2.1
The DEIS does not state any limit on the number of trucks that will be entering and leaving the site, and using the roads, other than that it will be limited by market demand.	Letter from Francis (undated); Letter from Murphy (Aug. 17, 2006)	4.2.1.4, App. H	4.2.1
The DEIS is inconsistent when it claims (in the sight distance analysis) that no mitigation is warranted for the intersection of State Routes 66 and 43, and (in Appendix H) that the intersection at Denault Corners has restrictive turning radii and limited sight distance as a result of horizontal and vertical curves.	Letter from Murphy (Aug. 17, 2006)	App. H	4.2.1
The Traffic Impact Study uses data from the New York State Department of Transportation from 2001, 2002, and 2003, even though data from 2004 was available. The Traffic Impact Study should use the most recent data available.	Letter from Murphy (Aug. 17, 2006)	App. H	3.2.1.1
Conclusion in § 9.2 that there will be no impact on transportation is not adequately supported throughout the rest of the DEIS.	Letter from Murphy (Aug. 17, 2006)	9.2	9.2
Truck traffic is a source of resident annoyance, noise, and road erosion.	Letter from O'Sullivan (Aug. 18, 2006); Letter from G. Boudreau (Aug. 21, 2006)	4.2.1	4.2.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Comments Related to Impacts on Historic Properties</i>			
DEIS disregarded the Brainard and East Nassau properties that are eligible for the State Register of Historic Places.	Eustace, Legislative Hearing 13–14 (July 11, 2006).	4.2.2.2.1, App. K	3.2.5.2.1
The scope of DEIS with regard to impacts on historic properties is too limited considering the fact that truck traffic will be using a southern route to U.S. Route 20. The following eligible historic properties are not considered in the DEIS: (1) Brainard Historic District, Brainard Station Road; (2) Brainard Rural Cemetery, U.S. Route 20; (3) Snook House, U.S. Route 20; (4) 303 Kinderhook Lane; (5) Harmony Acres Farmhouse and Barn.	Eustace, Legislative Hearing 14–16 (July 11, 2006)	4.2.2.2.1, App. K	4.2.2
With respect to eligible historic properties, the visual impact, the impact from blasting, the impact from dust particulate, and the noise impact were not addressed by the DEIS.	Eustace, Legislative Hearing 16 (July 11, 2006)	4.2.2.2.5	4.2.2.2
The DEIS does not discuss the exploration of feasible and prudent alternatives or planning to avoid or mitigate the adverse impacts that the proposed mine and consequent truck traffic will have on the above-listed five eligible properties.	Eustace, Legislative Hearing 16–17 (July 11, 2006)	4.2.2.2.3	4.2.2.2
The DEIS section 4.2.2.2 related to Historic Resources ignored relevant data.	Dwyer, Legislative Hearing 162 (July 11, 2006)	4.2.2.2	4.2.2.2
The DEIS does not address the impact (visual, and that from blasting and truck and machinery emissions) on a large number of historic structures within a 2-mile impact zone, including Hoags Tavern in Hoags Corners, the Dunham Store on State Route 43 in West Stephentown, the entire series of Tift Houses in the Dunham Hollow area, and the Tift Cemetery across the road from the proposed mine site.	Letter from Carpentier (undated)	4.2.2.2.1, App. K	4.2.2.2

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The DEIS does not address how the proposed mine will prevent historic structures' foundations from being damaged by vibrations from blasting.	Letter from Carpentier (undated)	4.2.2.2.5, App. K	4.2.2.2
The DEIS does not identify the dams and remains of dams from the 1800s that are located in the Tsatsawassa Creek and a local tributary.	Letter from Root (Aug. 13, 2006)	4.2.2.2.5, App. K	3.2.5.2.1
The DEIS does not adequately support its conclusion that there will be no impact on historic structures.	Letter from Murphy (Aug. 17, 2006)	4.2.2.2.5, App. K	4.2.2.2
The Town Historian should be involved in the decision making process regarding the proposed mine.	Letter from Collamer (Aug. 16, 2006)	4.2.2.2.1, 4.2.2.2.3	4.2.2.2
Historic view sheds in the area of the mine have not been adequately reviewed.	Letter from Fleming (Aug. 20, 2006)	4.2.2.2.3, App. K	4.2.2.2

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Noise Related Comments</i>			
The DEIS did not include an identification of any impulse or impact type noises inherent in the operation of a mine, including loading rock into dump trucks and loading of material into crushing processors.	Davis, Legislative Hearing 23–24 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006)	4.2.2.3.1.1	4.2.2.3, App. J
Noise analysis must be done using special methodologies, not the LEQ, L90, or L10.	Davis, Legislative Hearing 24 (July 11, 2006)	App. G	4.2.2.3, App. J
Make and model of the crusher is indicated as "not available" despite the scope's requirement that equipment sound levels be analyzed.	Davis, Legislative Hearing 24–25 (July 11, 2006)	App. G	4.2.2.3, App. J
The noise of operating the Grizzly King Jaw Crusher is not adequately represented by the estimated noise reported in the Appendix G noise analysis.	Davis, Legislative Hearing 25–26 (July 11, 2006)	App. G	4.2.2.3, App. J
The DEIS did not document or address noises such as distinctive pattern pre-blast warning sirens, blasting with sequential techniques, and distinctive pattern post-warning sirens.	Davis, Legislative Hearing 26 (July 11, 2006); Venne, Legislative Hearing 108 (July 11, 2006); Dwyer, Legislative Hearing 163 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006)	4.2.2.3.1.1, App. G	4.2.2.3
Noise of proposed mine will have a negative impact on the area, and property values will decline from the increased noise.	Byer, Legislative Hearing 79–81 (July 11, 2006); Letter from Francis (undated); Letter from Nuffer (Aug. 8, 2006); Letter from O'Sullivan (Aug. 18, 2006); Letter from Forster (Aug. 19, 2006)	4.2.2.3.1	4.2.2.3, 9.2, App. J
The assertion that TS&G made on their EAF that the project will not produce operating noise exceeding the local ambient noise levels is not supported by the Noise Impact Assessment that was submitted as part of the DEIS.	Venne, Legislative Hearing 103 (July 11, 2006)	N/A	4.2.2.3, App. J

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TS&G does not have a right of use. Accordingly, noise impact assessment and abatement planning should have been done at the boundaries of the mine property. Surrounding property should not be used as a buffer zone.	Venne, Legislative Hearing 103–05 (July 11, 2006); Letter from Venne (Aug. 15, 2006); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006)	App. G	4.2.2.3, App. J
The receptor sites chosen to establish ambient noise levels are inappropriate because they are noisy locations that do not accurately reflect ambient noise levels in the surrounding area of the proposed mines. They falsely suggest higher levels of ambient noise.	Venne, Legislative Hearing 105–06 (July 11, 2006); Dwyer, Legislative Hearing 162–63 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Dwyer (Aug. 17, 2006)	App. G	3.2.5.3, App. J
Noise level and noise mitigation methods planned in the DEIS do not address the noise at the boundaries of the mine property, but instead are designed to mitigate the noise level at the designated receptors, all over 1,600 feet away.	Venne, Legislative Hearing 107 (July 11, 2006); Letter from Bader (Aug. 16, 2006)	4.2.2.3.2, App. G	4.2.2.3, App. J
The combined noise levels at the boundaries of the mine property will likely exceed the current ambient sound level by well over the 6 dB required standard. The 200 foot setback is insufficient.	Venne, Legislative Hearing 107 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Bader (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated)	App. G	4.2.2.3, App. J
The DEIS did not address the potential of the method of mining creating an "amphitheater" or "echo" effect as mining progresses.	Venne, Legislative Hearing 107–08 (July 11, 2006); Dwyer, Legislative Hearing 163 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006)	4.2.2.3	4.2.2.3, App. J
The DEIS does not indicate whether or not ambient noise levels were monitored on Saturdays.	Letter from Dangler (Aug. 21, 2006)	4.2.2.3, App. G	3.2.5.3, App. J

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The cumulative noise impacts of three mines should be analyzed in the DEIS because two other mining applications are pending.	Letter from Ziello (undated)	N/A	9.4
The DEIS does not address how the auditory impacts of the processing plant will be minimized prior to moving the processing plant inside the quarry.	Letter from Root (Aug. 13, 2006)	4.2.2.3, App. G	4.2.2.3, App. J
Conclusion of DEIS that there will be no noise impact is not adequately supported.	Letter from Murphy (Aug. 17, 2006)	4.2.2.3.4, App. G	4.2.2.3, App. J
The DEIS does not address any alternatives to backup alarms, nor does it adequately address the option of mitigating noise by limiting the hours or berming.	Letter from Bader (Aug. 16, 2006)	4.2.2.3, App. G	4.2.2.3, App. J

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<i>Comments Related to Impacts on Groundwater</i>			
Only 6 of 37 nearby wells were tested. Some residents requested well testing but never received it, others did not receive correspondence from TS&G because the correspondence was not sent to their permanent addresses, and some letters were returned unclaimed.	B. Nuffer, Legislative Hearing 45–47 (July 11, 2006); Magrow, Legislative Hearing 99–100 (July 11, 2006); Robertson, Legislative Hearing 151–52 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Gontier (Aug. 8, 2006); Letter from Bader (Aug. 16, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Fleming (Aug. 20, 2006)	3.1.2.1.5, App. F	3.1.2.1.5
Blasting could contaminate drinking water with toxins from the Dewey Loeffel site and the former town landfill.	B. Nuffer, Legislative Hearing 47 (July 11, 2006); Aplan, Legislative Hearing 62–64 (July 11, 2006); Hains, Legislative Hearing 76 (July 11, 2006); Travers-Main, Legislative Hearing 141–42 (July 11, 2006); Sullivan, Legislative Hearing 146 (July 11, 2006); Craigie, Legislative Hearing 153 (July 11, 2006); Dwyer, Legislative Hearing 161–62 (July 11, 2006); Letter from Teicholz (Aug. 5, 2006); Letter from Ziello (undated); Letter from Francis (undated); Letter from Robertson (undated); Letter from Thomas (Aug. 15, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Gallagher (undated); Letter from Prewitt (undated); Letter from Dwyer (Aug. 17, 2006); Letter from G. Boudreau (Aug. 21, 2006); Letter from D. Boudreau (Aug. 21, 2006)	4.1.2.1.1, App. F	4.1.2.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
Well testing should not be limited to a 2,000 feet radius; it should be expanded to 3,500 feet or more, especially where residences are located at an altitude higher than the proposed mine.	B. Nuffer, Legislative Hearing 47 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Gontier (Aug. 8, 2006); Letter from Bader (Aug. 16, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Fleming (Aug. 20, 2006)	3.1.2.1.5, App. F	3.1.2.1.5
The recharge area for a major aquifer is located in the vicinity of the proposed mine. That aquifer provides drinking water to Dunham Hollow residents, and mining may impact the quality and quantity of water available to those residents.	F. Nuffer, Legislative Hearing 50–51 (July 11, 2006); Letter from Bader (Aug. 16, 2006); Letter from Thomas (Aug. 15, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006); Letter from Fleming (Aug. 20, 2006)	3.1.2.1, 4.1.2.1.1, App. F	4.1.2.1
The DEIS did not include any study documentation to indicate the potential impact on the yield of the easterly groundwater aquifer or the impact that the diversion of water from the mining would have on the Tackawasick Creek, a Class C(t) trout stream that is cooled in the summer by the flows from groundwater recharge.	F. Nuffer, Legislative Hearing 51–52 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Fleming (Aug. 20, 2006)	App. F	4.1.2.1
The DEIS does not address the potential impacts or mitigation measures for the discharge of perchlorates that are often associated with blasting agents.	F. Nuffer, Legislative Hearing 52–53 (July 11, 2006); Letter from Bader (Aug. 16, 2006); Letter from Thomas (Aug. 15, 2006); Letter from Dwyer (Aug. 17, 2006)	App. F	4.1.2.1
TS&G has dug into a major aquifer in the past.	Henrickson, Legislative Hearing 122 (July 11, 2006)	N/A	4.1.2.1

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The DEIS mischaracterizes local groundwater usage as shallow dug wells and springs which might not be impacted by changing the groundwater pattern.	Dwyer, Legislative Hearing 161 (July 11, 2006); Letter from Robertson (undated)	3.1.2, 4.1.2, App. F	3.1.2.1.1
There is no public water system in place that would prevent water problems associated with the proposed mine.	Letter from Dangler (Aug. 21, 2006)	3.1.2.1.5, App. F	3.1.2.1.5
Questions remain as to the effect of drilling and blasting on current and future wells, and springs. Additional groundwater studies should be done prior to approval of the mining permit application.	Letter from Dangler (Aug. 21, 2006); Email from Henrickson (Aug. 20, 2006); Letter from Nuffer (Aug. 8, 2006); Letter from Bader (Aug. 16, 2006); Letter from Collamer (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Forster (Aug. 19, 2006); Letter from D. Boudreau (Aug. 21, 2006)	4.1.2.1.1, App. F	4.1.2.1
The DEIS sections concerning impacts on groundwater are based on computer models designed by the mining industry, not on field testing conducted in the area.	Letter from Gontier (Aug. 8, 2006)	3.1.2.1, 4.2.2.4, App. F	3.1.2.1.4
The DEIS does not adequately address the impact that removal of vegetative cover and soils will have on the downstream water flow and velocity.	Letter from Root (Aug. 13, 2006)	3.1.2.2.3, 4.1.2	4.1.2.2
The DEIS states that there may be "slightly" increased surface water, but does not define what is meant by "slightly".	Letter from Root (Aug. 13, 2006)	4.1.2.1.1	4.1.2.2
The DEIS does not address what impact the proposed mine will have on artesian wells.	Letter from B. Nuffer (Aug. 14, 2006).	4.1.2, App. F	4.1.2.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Wildlife- and Vegetation-Related Comments</i>			
DEC recommended that Griggs-Lang contact them in September 2004 to update the inventory of rare or state-listed species in the area of the proposed mine, but Griggs-Lang did not.	B. Nuffer, Legislative Hearing 32–33 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	N/A	3.1.4.1
TS&G's environmental consultant inventoried the proposed mine site in 2003 and 2004 and indentified two endangered plant species: acalpa virginica variety virginica (three-seeded mercury) and lycopodium complanatum (northern running pine). Therefore, DEIS is insufficient in that it claims that no protective plant species were observed in or adjacent to the proposed mine.	B. Nuffer, Legislative Hearing 33–34 (July 11, 2006); Letter from Robertson (undated); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated); Letter from Carle (undated)	3.1.4.1, App. D	3.1.4.1
Chestnut oak forests are located nearby, but the impacts of the proposed mine on such forests are not adequately addressed in the DEIS.	B. Nuffer, Legislative Hearing 34–35 (July 11, 2006); Letter from Robertson (undated); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Carle (undated)	3.1.4.1, 4.1.4, App. D	4.1.4
DEIS does not adequately address the potential impacts on the Rensselaer Plateau, nor does it address how the Rensselaer Plateau will be protected despite the operation of the proposed mine.	B. Nuffer, Legislative Hearing 35 (July 11, 2006); Letter from Robertson (undated); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006)	4.1.4, App. D	4.1.4
At-risk bird species use the Rensselaer Plateau and a forest track adjacent to the proposed mine site as breeding areas, but the DEIS does not adequately address the potential impacts on those breeding areas, nor does it address how such impacts will be minimized.	B. Nuffer, Legislative Hearing 35 (July 11, 2006); Letter from Robertson (undated); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006)	4.1.4, App. D	4.1.4

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The DEIS does not include study documentation regarding the potential impact that the proposed mine would have on the Tackawasick Creek, a Class C(t) trout stream that is cooled in the summer by groundwater recharge flows.	F. Nuffer, Legislative Hearing 51–52 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006)	4.1.4, App. D, App. F	4.1.2.1
Whether timber rattlesnakes are present in the vicinity of the proposed mine must be more thoroughly investigated.	Letter from Root (Aug. 13, 2006)	3.1.4.1.2, App. D	3.1.4.1
The topography of the area will be altered in such a way as to create vertical drops and impassible barriers that will be dangerous and burdensome to wildlife that migrate through the area. There are methods of mining that would prevent the alteration of the topography in such a way.	Dwyer, Legislative Hearing 163, 166 (July 11, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006)	4.1.4, 4.1.1.2, App. D	4.1.4
The population of wood turtles, a species of special concern in New York, in the Tsatsawassa Creek, into which runoff from the site will eventually drain, will be endangered as a result of the proposed mine.	Letter from Hoffman (undated)	4.1.4, App. D, App. F	4.1.4
The DEIS does not address the potential impact of the mine on the ecosystem of Pike's Pond and surrounding acreage, including several wetland areas.	Letter from Forster (Aug. 19, 2006)	4.1.4.2.1, 4.1.4, App. F, App. D	4.1.4
Logging will lead to increased erosion, and ultimately to increased turbidity and siltation in the local streams and Pike's Pond, which could affect the breeding ground for unique wildlife.	Letter from Forster (Aug. 19, 2006)	4.1.2, 4.1.4, 4.1.4.2.1, App. D, App. F	4.1.2.2
Noise and commotion of proposed mine could affect birds and water fowl.	Letter from Forster (Aug. 19, 2006)	4.2.2.3.1, 4.1.4	4.2.2.3, App. J
The vicinity of the proposed mine currently supports a number of rare and valuable species, including flying squirrels, black bears, turkeys, fisher cats, beavers, and many species of frogs and turtles. It is also the nesting ground of the gray horned owl, and is home to many species of birds.	Letter from Carle (undated)	3.1.4.1.2, App. D	3.1.4.1

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<i>Comments Related to TS&G's Record of Compliance</i>			
Because TS&G has violated permit conditions in the past, DEC should require that a full-time environmental monitor be present to ensure that they are observing the permit conditions related to hours of operation and maximum production limits. In the alternative, other steps must be taken to ensure that TS&G complies with permit conditions.	B. Nuffer, Legislative Hearing 41–42 (July 11, 2006); Email from Henrickson (Aug. 20, 2006); Letter from Root (Aug. 13, 2006); Letter from Bader (Aug. 16, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1
The State of New York has found TS&G in violation of permit conditions or in violation of New York State laws on five separate occasions, and the company has openly admitted to violating its mining permits.	B. Nuffer, Legislative Hearing 42 (July 11, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Applin (undated); Letter from Dwyer (Aug. 17, 2006)	9.1	9.1
At its West Sand Lake facility, TS&G violated a prohibition on flyrock in 2002, generated air blasts in excess of maximum limits in 2002, and commenced construction of a hot asphalt plant without first obtaining necessary permits in 2001.	B. Nuffer, Legislative Hearing 42 (July 11, 2006); Byer, Legislative Hearing 77–78 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1
The New York Attorney General fined TS&G at the request of the DEC and sixty-three citizen letter complaints, concerning issues ranging from health complaints to property damage.	B. Nuffer, Legislative Hearing 42–43 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1
TS&G was found to be in violation of the following permit conditions: conducting 49 blasts in a year in which they were to be limited to 10; conducting 11 out-of-season blasts; blasting twice in excess of specified peak particle velocity; blasting once in excess of specified decibel limits.	B. Nuffer, Legislative Hearing 43 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
When TS&G applied for a renewal of their permit in 2003 at the West Sand Lake facility, DEC treated the application as a new application, and modified the permit for three reasons: (1) continued noise blast vibration effect on wells and dust complaints by nearby residents; (2) material new information from studies of facility operations and impacts; and (3) non-compliance with the existing SAPA extended mining permit.	B. Nuffer, Legislative Hearing 42–45 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1
The statement in the DEIS that TS&G only has violated permit conditions related to blasting is inaccurate.	B. Nuffer, Legislative Hearing 45 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	9.1	9.1
TS&G admits that that it violated permit conditions in that it blasted on 11 separate dates during months in which blasting was not permitted. This acknowledgment was negotiated down from the original action against TS&G that alleged 63 separate permit violations beginning in 1997.	Aplan, Legislative Hearing 64–65 (July 11, 2006)	9.1	9.1
The DEIS does not report that TS&G acknowledged 11 significant violations.	Magrow, Legislative Hearing 98–99 (July 11, 2006)	9.1	9.1
TS&G has an "extensive" list of violations and a "lousy" compliance record, including "willful" and "deliberate" violations.	Sullivan, Legislative Hearing 148–49 (July 11, 2006); Letter from Nuffer (Aug. 8, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Applin (undated); Letter from Gallagher (undated); Letter from Dwyer (Aug. 17, 2006); Letter from D. Boudreau (Aug. 21, 2006)	9.1	9.1
The compliance history of TS&G must be more thoroughly examined.	Dwyer, Legislative Hearing 163–64 (July 11, 2006)	9.1	9.1
TS&G has committed 63 permit violations.	Letter from Murphy (Aug. 17, 2006)	9.1	9.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Comments Related to Land Use and Zoning</i>			
The DEIS does not address the New York State Open Space Conservation Plan, adopted in 2002 and updated in 2005.	Davis, Legislative Hearing 28–29 (July 11, 2006)	2.2.2, 3.2.2, 9.3	9.2
The DEIS's statement that "mines are open space" is inaccurate; the statement is quoted from a former DEC director who was pro-mine. Mines should be characterized as intense industrial use, rather than as open space.	Davis, Legislative Hearing 29–30 (July 11, 2006); Letter from Robertson (undated)	2.2.2, 3.2.2, 9.3	9.2
The DEIS does not fully address the fact that quarrying this mountain is not a sustainable use of land and resources.	Davis, Legislative Hearing 30 (July 11, 2006)	2.2.2, 3.2.2, 7.0, 9.3	7.0
The local zoning law does not permit a mining project of this scale.	Henrickson, Legislative Hearing 120–21 (July 11, 2006); Dwyer, Legislative Hearing 158–59 (July 11, 2006); Dangler, Legislative Hearing 170 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Email from Henrickson (Aug. 20, 2006); Email from Henrickson (Aug. 19, 2006); Letter from Carpentier (undated); Letter from Francis (undated); Letter from Robertson (undated); Letter from Venne (Aug. 15, 2006); Letter from Murphy (Aug. 17, 2006); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Collamer (Aug. 16, 2006); Letter from Henrickson (Aug. 6, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Toni (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006); Letter from G. Boudreau (Aug. 21, 2006); Letter from Fleming (Aug. 20, 2006)	2.2.2, 3.2.2, 9.3	9.3

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The DEIS's considerations of potential impacts on humans ignore the fact that adjacent property owners use the adjacent land for outdoor recreation.	Dwyer, Legislative Hearing 162 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated)	4.2	4.2
The scale of this project is too large for the community.	Dwyer, Legislative Hearing 167–68 (July 11, 2006)	2.2.2, 3.2.2, 9.3	9.2
The location of the proposed mine is such that the adjacent properties are used or will be used for residential purposes. Allowing a mine in that location would defeat the purposes of zoning and planning.	Email from Henrickson (Aug. 20, 2006); Email from Henrickson (Aug. 19, 2006); Letter from Bader (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from O'Sullivan (Aug. 18, 2006)	2.2.2, 3.2.2, 9.3	9.3
The DEIS mischaracterizes the Town of Nassau as "remotely located"; the Town of Nassau should be characterized as a bedroom community.	Letter from Root (Aug. 13, 2006); Letter from Bader (Aug. 16, 2006)	2.3	2.3
The mine will prevent nearby landowners from using their land for livestock.	Letter from Collamer (Aug. 16, 2006)	2.2.2, 3.2.2, 9.3	9.5

Comment

Source(s) of Comment

DEIS §

FEIS §

Comments Related to Impacts on Cultural Value

Impacts to cultural venues along the southern truck traffic route were not explored in the DEIS. A revised DEIS should address the following: the effect of particulate matter on the finishing and refinishing efforts of craftsmen involved in furniture design, creation, and restoration; the effect of mine blasting and increased truck traffic on the restoration of antique music and sound equipment; the effect of vibrations from truck traffic and blasting on precision measuring, calibration, and cutting with precision instruments; and the effect of increased truck traffic on the willingness of persons to visit the cultural venues along the truck routes.

Eustace, Legislative Hearing 19–20 (July 11, 2006)

3.2.5, 4.2.2

4.2.2

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Comments Related to Property Values</i>			
Nearly 60% of the East Greenbush Central School District 2006–2007 budget will be funded by local property tax levies. DEC should consider the regional impact of this proposal as decreasing property values and decreasing growth in the Town of Nassau could impact taxpayers in the East Greenbush Central School District.	Su. Hains, Legislative Hearing 55–57 (July 11, 2006)	N/A	9.2
Two of the reasons that property values in the Town of Nassau are lower than property values in surrounding areas are the repeated threat of industrial mining and the Dewey Loeffel site.	St. Hains, Legislative Hearing 76 (July 11, 2006)	N/A	9.2
Appraisers must consider externalities in determining property values. Blasting at a nearby mine is such an externality.	Merolder, Legislative Hearing 86–87 (July 11, 2006)	N/A	9.2
Property values will decrease whenever there is a mining application pending or a nearby mine in operation.	Young, Legislative Hearing 87–88 (July 11, 2006); Magrow, Legislative Hearing 93–95 (July 11, 2006); Robertson 150–51 (July 11, 2006); Letter from Nuffer (Aug. 8, 2006)	N/A	9.2
The mine will have substantial negative effects on property values in East Nassau.	Email from Henrickson (Aug. 20, 2006)	N/A	9.2
A reduction in property values from the operation of a nearby mine will adversely affect the funding of local emergency services.	Letter from Root (Aug. 13, 2006)	N/A	9.2
Taxpayers will leave the area if the mine is approved.	Letter from Robertson (undated)	N/A	9.2
Lands adjacent to the site will not be suitable for future residential development, which will result in a decrease in the values of those properties.	Letter from Venne (Aug. 15, 2006)	N/A	9.2

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Comments Related to Air Quality</i>			
The DEIS does not adequately address the impact of the mine on the air quality near eligible historic properties.	Eustace, Legislative Hearing 17–18 (July 11, 2006)	3.1.3, 4.1.3	4.1.3.1
The DEIS does not adequately address the particulate matter that will be produced by the mining operation and the consequent health effects associated with exposure to such particulate matter.	B. Nuffer, Legislative Hearing 36–37 (July 11, 2006); Dwyer, Legislative Hearing 159 (July 11, 2006); Letter from Nuffer (Aug. 8, 2006); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated); Letter from G. Boudreau (Aug. 21, 2006)	4.1.3	4.1.3.1
Sources of particulate matter include diesel trucks, diesel operated generators, diesel powered machinery, rock crushing, truck loading, drill rigs, wind erosion from stockpiles, blasting, and unpaved haul roads.	B. Nuffer, Legislative Hearing 37 (July 11, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006)	4.1.3	4.1.3
The impact from short-term or 24-hour emissions should not be ignored, particularly with respect to particulate matter. An impact analysis beyond the EPA's AP-42 emission factor calculation should be done on both long-term and short-term emissions.	B. Nuffer, Legislative Hearing 37 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	4.1.3	4.1.3.1
Background levels of particulate matter, NO _x , and other criteria pollutants from State Route 66 must be considered in the air quality impact analysis.	B. Nuffer, Legislative Hearing 37–38 (July 11, 2006)	3.1.3, 4.1.3	3.1.3.1
The Hankle Lumber Sawmill emissions should be included in the emissions calculation because the wind will carry the sawmill emissions with the mine emissions.	B. Nuffer, Legislative Hearing 38 (July 11, 2006)	3.1.3, 4.1.3	3.1.3.2

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
According to the EPA (2006), air pollution can make asthma symptoms worse and trigger attacks. There are two key air pollutants that can affect asthma, particle pollution is one of them. A hard rock quarry, no matter what size, will produce particle pollution. TS&G's DEIS does not adequately address this health care issue	Letter from G. Boudreau (August 21, 2006)	4.1.3.1	4.1.3.1
The DEIS should include a modeling analysis of air quality impacts because of the multiple emissions sources.	B. Nuffer, Legislative Hearing 38 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	4.1.3	4.1.3.1
The presence of silicates in fugitive dust will adversely affect the health and welfare of the surrounding community.	B. Nuffer, Legislative Hearing 38–39 (July 11, 2006); Dwyer, Legislative Hearing 159 (July 11, 2006); Letter from MacAndrews (Aug. 14, 2006); Letter from Nuffer (Aug. 8, 2006); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated)	4.1.3	4.1.3.1
The DEIS's statement that the mine would not be of sufficient intensity to impact air quality is inaccurate, since the facility will be producing 66,995 pounds per year of particulate matter, 46,800 pounds per year of nitrogen oxides, 1,375 pounds per year of volatile organic compounds, 7,888 pounds per year of sulfur dioxide, 10,725 pounds per year of carbon monoxide, and 21 pounds per year of hazardous air pollutants (including 11.1 pounds per year of benzene).	B. Nuffer, Legislative Hearing 39 (July 11, 2006)	4.1.3.1.4, App. L	4.1.3.1
Equipment such as bulldozers and front-end loaders should not be considered as exempt or trivial, and regardless of their exempt or trivial status, emissions from such sources should be included in the emissions calculation for determining general rule applicability of Title V, New Source Review, and Prevention of Significant Deterioration.	B. Nuffer, Legislative Hearing 39–40 (July 11, 2006); Byer, Legislative Hearing 84 (July 11, 2006); Alpenhaus, Legislative Hearing 109 (July 11, 2006)	4.1.3, App. L	4.1.3.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The air facility permit registration of the DEIS has not been signed and certified by a responsible official to demonstrate the truth, accuracy, and completeness of the information on the application form.	B. Nuffer, Legislative Hearing 40 (July 11, 2006)	App. L	9.5
Upstate New York is considered in non-compliance for ozone and NOx. Steps must be taken to ensure that limits set forth in regulations and any permit are complied with by TS&G.	B. Nuffer, Legislative Hearing 40–41 (July 11, 2006)	N/A	4.1.3
The statement in the DEIS that 12,200 pounds of fine particulate matter is insignificant is not accurate considering that 10% of children attending Donald P. Sutherland Elementary School in Nassau have asthma. The DEIS should more thoroughly address this issue.	Su. Hains, Legislative Hearing 53–55 (July 11, 2006); Letter from G. Boudreau (Aug. 21, 2006)	4.1.3	4.1.3.1
Any properties downwind from the site will suffer a significant dust impact if the mine is permitted.	Byer, Legislative Hearing 78 (July 11, 2006)	4.1.3, App. L	4.1.3.1
Use of the AP-42 emission factors is inadequate, and should not be used to assess the impact of a proposed facility.	Byer, Legislative Hearing 79 (July 11, 2006)	App. L	4.1.3
Any facility such as the proposed mine should be required to obtain a full New York State Air Facility Permit, or a Title V federal permit.	Byer, Legislative Hearing 84 (July 11, 2006); Letter from B. Nuffer (Aug. 14, 2006)	4.1.3, App. L	4.1.3.1
Appendix L of the DEIS indicates only one stationary source of combustion at the diesel generator set; equipment operating at the site such as diesel loaders and trucks should be considered in the assessment of air emissions.	Alpenhaus, Legislative Hearing 109 (July 11, 2006); Letter from Sullivan (Aug. 17, 2006)	App. L	4.1.3.1
The DEIS should include a health risk assessment that looks particularly at the effect of the mine on the most susceptible populations, including the children and elderly.	Alpenhaus, Legislative Hearing 109–10 (July 11, 2006)	4.1.3	4.1.3.1
The DEIS section regarding dust control is not realistic.	Henrickson, Legislative Hearing 122 (July 11, 2006)	4.1.3, App. L	4.1.3.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The air quality impact should be studied as though all three mining applications were under review.	Letter from Ziello (undated)	4.1.3, App. L	9.4
Section 3.1.3.1 of the DEIS is inaccurate. More recent data suggests greater air quality problems in Rensselaer County than that suggested by the applicant.	Letter from Root (Aug. 13, 2006)	3.1.3.1	3.1.3.1
Section 3.1.3.2 of the DEIS is inaccurate because it does not include in its assessment wood burning heating units.	Letter from Root (Aug. 13, 2006)	3.1.3.2	3.1.3.2
Section 4.1.3 is inadequate because the combination of the mining activities' generation of particulates, and the contribution of particulate matter by the deisel operated machinery, have not all been considered, calculated, and evaluated.	Letter from MacAndrews (Aug. 14, 2006); Letter from Sullivan (Aug. 17, 2006)	4.1.3	4.1.3
Section 4.1.3.1.4 is inaccurate in its statement that the proposed mine will not be of sufficient capacity to impact air quality, the inaccuracy of which is evidenced by the limitation on hours of operation to 2,000.	Letter from Carr (undated)	4.1.3.1.4	4.1.3.1
The processing plant should be enclosed in order to contain dust.	Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated)	4.1.3.1.3, App. L	4.1.3.1
The New York State Department of Health should be involved in any decision making.	Letter from Sullivan (Aug. 17, 2006)	N/A	4.1.3
The mine should hook up to electric utility lines rather than being powered by diesel operated generators. DEC should examine the motive behind the applicant's decision to use generators rather than electric utility lines.	Letter from B. Nuffer (Aug. 14, 2006); Letter from Dwyer (Aug. 17, 2006)	App. L	4.1.3

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Comments Related to Visual Impacts</i>			
The social and cultural perception by others of the Brainard area will be impacted since the quarry site can be seen from the hamlet of Brainard.	Eustace, Legislative Hearing 20 (July 11, 2006)	3.2.5, 4.2.2	4.2.2.1, App. K
Appendix J of the DEIS does not adequately describe the visual portions of the project since the noise control berms proposed to mitigate the noise impact are not included. The DEIS only accounts for the top of the mine face.	Davis, Legislative Hearing 22 (July 11, 2006)	App. J	4.2.2.1, App. K
The visual analysis does not include any line of sight figures as required by the final scope for the DEIS.	Davis, Legislative Hearing 23 (July 11, 2006)	App. J	4.2.2.1, App. K
The visual analysis conclusions are not adequately supported in the DEIS.	Henrickson, Legislative Hearing 122 (July 11, 2006)	4.2.2.1	4.2.2.1
The visual impact should be analyzed at the property line of the quarry.	Dwyer, Legislative Hearing 162 (July 11, 2006); Letter from Dwyer (Aug. 17, 2006)	App. J	4.2.2.1, App. K
The following properties should have been considered in section 4.2.2.1 of the DEIS: 7517 State Route 66; 505 Totem Lodge Road; and anywhere along County Route 23.	Dangler, Legislative Hearing 170 (July 11, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
The proposed 300 foot clear cut along State Route 66 should be incorporated into the visual impacts section.	Letter from Dangler (Aug. 21, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
Additional visual impact studies should be required.	Letter from Dangler (Aug. 21, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
The visual impact study does not contain any line of sight cross sections, nor does it address the attendant impacts such as truck traffic and dust.	Letter from Dangler (Aug. 21, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
Viewshed maps are not up to date as they do not contain all current homes.	Email from Bader (June 12, 2006)	4.2.2.1, App. J	4.2.2.1, App. K

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
CLA-1 and CLA-2 Viewshed Maps need more study points to determine the potential for views for accuracy.	Letter from Dangler (undated); Letter from Bader (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006)	3.2.5.1, 4.2.2.1, App. J	4.2.2.1, App. K
The statement in the DEIS that the quarry is well screened is inaccurate if the location from which a person is looking is on Gardner Hill Road, South Road, or many other spots in the Town and surrounding towns.	Letter from Root (Aug. 13, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
The view shed maps should be updated to include homes that are not currently on the maps, and the view shed maps should have more study points (specifically, along the western perimeter and more along the northern portion of the eastern perimeter) to ensure that the potential for views is accurate.	Letter from Bader (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006)	4.2.2.1, App. J	4.2.2.1, App. K
The computerized photo simulations should be conducted again and should include views from 7515 State Route 66, 505 Totem Lodge Road, and the scenic overlook on South Road.	Letter from Bader (Aug. 16, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006)	4.2.2.1.3.3	4.2.2.1, App. K
The effects of a deep hard rock mine in our rural community will have permanent effects upon the local viewshed. A complete study of the visual resources and the potential impacts should be conducted.	Letter from Collamer (Aug. 16, 2006)	App. J	4.2.2.1, App. K
The proposed measures to mitigate the visual impacts are inadequate: each of the aspects of the analysis should be done on a phase by phase basis for each of the mine's phases, as well as for the post-mining era (every 10 years for 50 years following closure).	Letter from Dwyer (Aug. 17, 2006)	4.2.2.1.2	4.2.2.1, App. K
Alternative visual impact mitigation measures that avoid the banding effect created by bench reclamation should be analyzed and addressed in the DEIS.	Letter from Dwyer (Aug. 17, 2006)	4.2.2.1.2	4.2.2.1, App. K

Comment

The DEIS's reliance on visibility as the prime analysis factor fails to adequately weigh the importance of context. The knowledge of the presence of an industrial facility in a rural residential setting, coupled with occasional and in some cases long-term views, creates a discordant impression in the viewer's mind. The DEIS's analysis does not adequately account for this.

Source(s) of Comment

Letter from Roland (Aug. 21, 2006)

DEIS §

N/A

FEIS §

4.2.2.1, App. K

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
<i>Miscellaneous Comments</i>			
The DEIS did not include the "no action" alternative of a quarry and processing operation below the threshold levels specified in the Mined Land Reclamation Law. Another alternative not addressed in the DEIS that should have been was an operation in conformance with existing Town zoning regulations. An additional alternative to consider was residential development.	Davis, Legislative Hearing 26–28 (July 11, 2006); Dwyer, Legislative Hearing 163 (July 11, 2006)	6.4, 6.5	6.5
The DEIS should analyze the cumulative impacts of the TS&G mine and the other two mine applications.	Aplan, Legislative Hearing 62 (July 11, 2006); Sullivan, Legislative Hearing 145 (July 11, 2006); Seney, Legislative Hearing 153–57 (July 11, 2006); Email from Henrickson (Aug. 20, 2006); Letter from Carpentier (undated); Letter from Ziello (undated); Letter from Murphy (Aug. 17, 2006); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Prewitt (undated); Letter from Dwyer (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006)	N/A	9.4
Hours of Operation should be further limited, such as to 9am to 5pm weekdays, and no operation on weekends. Further, the DEIS is unclear as to whether "operation" includes secondary activities, such as truck maintenance.	Byer, Legislative Hearing 80 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Fleming (Aug. 20, 2006)	6.3	6.3
DEC should be sure to consider all the issues the Town is currently facing when analyzing the DEIS, including all the mining applications, the Dewey Loeffel site, the Nassau Lake pollution, Impact Auto, the Hankle Lumber sawmill, the issues with local and state roads, and other nearby mines and similar operations.	Magrow, Legislative Hearing 88–88 (July 11, 2006); Letter from Sullivan (Aug. 17, 2006)	N/A	9.4

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The DEIS exaggerates the distance that will be saved by opening the quarry in Nassau.	Magrow, Legislative Hearing 97 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Letter from Root (Aug. 13, 2006)	2.1.4	2.1
The DEIS suggests that the product from the mine will be used locally, but it also acknowledges aggregate deliveries to Utica, Syracuse, and New York City.	Magrow, Legislative Hearing 97 (July 11, 2006)	7.0	2.1
The need for the greywacke from the proposed site is overstated.	Magrow, Legislative Hearing 99 (July 11, 2006); Sullivan, Legislative Hearing 143-44 (July 11, 2006); Dwyer, Legislative Hearing 158 (July 11, 2006); Letter from Dangler (Aug. 21, 2006); Email from Henrickson (Au. 20, 2006); Letter from Root (Aug. 13, 2006); Letter from MacAndrews (Aug. 14, 2006); Letter from Deveney (undated); Letter from Gallagher (undated); Letter from Henrickson (Aug. 6, 2006)	2.1.2	2.1
The time lines and comparison between phases should be drawn because the initial scoping documents were drafted based on the original mining planning maps, which have since changed.	Magrow, Legislative Hearing 100-01 (July 11, 2006)	N/A	9.5
The community character of the Town of Nassau will be adversely affected by the proposed mine.	Gallagher, Legislative Hearing 130 (July 11, 2006); Letter from Root (Aug. 13, 2006); Letter from Robertson (undated); Letter from Bader (Aug. 16, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Dwyer (Aug. 17, 2006); Letter from Casavant (undated); Letter from Toni (Aug. 17, 2006); Letter from Roland (Aug. 21, 2006)	9.2	9.2

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The only limit on blasting is "market demand," which is insufficient.	Sullivan, Legislative Hearing 148 (July 11, 2006); Dwyer, Legislative Hearing 159 (July 11, 2006); Letter from Prewitt (undated)	4.2.2.4.1	4.2.2.4
The DEIS does not address how grasses and trees will be planted along the shelves. The DEIS does not indicate that the reclamation will begin in 5 years, despite oral assertions to that effect. The vast majority of the reclamation will not begin until 80+ years down the road, and the reclamation plan involves only 40,000 square feet of land in next 40+ years.	Dwyer, Legislative Hearing 163–68 (July 11, 2006)	2.5, 4.1, App. C	4.1
Testing blasts conducted in Pennsylvania does not accurately reflect the effect of blasting in the area of the Town of Nassau, below which lie fault lines.	Letter from Gontier (Aug. 8, 2006)	4.2.2.4, App. J	4.2.2.4
The DEIS does not address what independent entity will monitor blasting to ensure that it is done safely and in compliance with regulations.	Letter from Root (Aug. 13, 2006); Letter from Bader (Aug. 16, 2006); Letter from Thomas (Aug. 15, 2006); Letter from Fleming (Aug. 20, 2006)	4.2.2.4, App. J	4.2.2.4
The DEIS does not accurately identify fire and ambulance first responders. The DEIS fails to address the increased risk of fire and accidents resulting from the mine, and there appears to be no attempt to supply water for fire suppression. Further, the local fire company is not equipped to handle large industrial sites.	Letter from Root (Aug. 13, 2006); Letter from Dwyer (Aug. 17, 2006)	3.2.3	3.2.3
The DEIS does not attempt to address in any integrated way the changes and impacts of the mine on "ecoservices."	Letter from Root (Aug. 13, 2006)	4.1.4	4.1.4
The hours of operation are not sufficiently defined, leaving a loophole for operating at any hour if the demand exists.	Letter from Root (Aug. 13, 2006); Letter from Sullivan (Aug. 17, 2006); Letter from Fleming (Aug. 20, 2006)	6.3	6.3
The 2,000 hour limitation on hours of operation does not include the proposed retail operation.	Letter from Carr (undated)	App. L	4.1.3.1

<u>Comment</u>	<u>Source(s) of Comment</u>	<u>DEIS §</u>	<u>FEIS §</u>
The DEIS does not adequately address the impacts of blasting on nearby foundations.	Letter from Nuffer (Aug. 8, 2006); Letter from Thomas (Aug. 15, 2006)	4.2.2.4.1	4.2.2.4
The DEIS does not address how homes that are not yet built will be affected by ground vibrations from the mine.	Letter from Bader (Aug. 16, 2006)	N/A	4.2.2.4
There are residences, roads, and school bus routes nearby that might be impacted by a flyrock incident.	Letter from Sullivan (Aug. 17, 2006)	4.2.2.4	4.2.2.4
The DEIS is not clear about whether the mine would be permitted to mine an additional fifty foot excavation.	Letter from Sullivan (Aug. 17, 2006)	6.1.1.3	9.5
The approval of the mine will impact the residents of West Sand Lake.	Letter from Mason (Aug. 17, 2006)	N/A	9.5
The DEIS fails to address the impacts the mine will have on a local organic farm operation.	Letter from Fleming (Aug. 20, 2006)	N/A	9.5
There are different dates on two of the DEIS's available for public inspection.	Letter from D. Boudreau (Aug. 21, 2006)	N/A	9.5
There are multiple revisions to the DEIS (April 2006 and May 2006).	Letter from D. Boudreau (Aug. 21, 2006)	N/A	9.5