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December 8, 2006

Mr. Brian Milliman
Griggs-Lang Consulting
8 Brunswick Rd
Troy, New York 12180

Re: Nassau Quarry

Dear Brian:

Please find below our response to comments regarding the Visual Assessment for Nassau.

Comment:

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.

Response:

The noise control berms will be constructed within the mining limits, as shown in the DEIS, prior to mining a particular phase and will be vegetated shortly after construction to allow vegetation to begin to grow and mature immediately. While the berms will vary in height between 10 and 30 feet, since the visual study assumed conservatively intervening vegetation at a height of 40 feet, the character of visible disturbance will not be noticeably different from the prepared photo simulations.

Comment:

The proposed 300 foot clear cut along State Route 66 should be incorporated into the visual impacts section.

Response:

As shown on the maps included in Appendix H of the DEIS and Figure 6 in the FEIS, the amount of vegetation that will be removed within the clear cut line along NYS Route 66 will be minimal and will be focused mainly around cutting back tall vegetation along the low area just north of the access road for improved site distance. Potential views of the quarry will not change as a result of this clearing.

Comment:

The visual analysis does not include any line of sight figures as required by the final scope for the DEIS.

Comment:

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.

Response:

The NYSDEC Program Policy: Assessing and Mitigating Visual Impacts recommends using either graphic viewshed and line-of-sight profile analysis, or more sophisticated visual simulations and digital viewshed analysis, as needed. TS&G opted for the more sophisticated visual simulations and digital viewshed analysis to determine the potential for impact.

Comment:

Viewshed maps are not up to date as they do not contain all current homes.

Comment:

CLA-1 and CLA-2 Viewshed Maps need more study points to determine the potential for views for accuracy.

Comment:

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.

Response:

All public roads, Village and Hamlet areas, and specific homes potentially historically eligible were extensively inventoried during the field surveillance and photo assessment. Specific attention was given to areas where potential views were determined to exist from the viewshed map whether homes were located on the map or not. The extent of views along the public corridors in these areas is shown in the photos taken in the study. See visual receptor table and photo assessment. In addition, photo simulations were prepared at locations representative of worst case scenarios. See photo simulation exhibits A-D. While certain views may be additionally present on private property, the scope of the analysis is to determine the overall impact to the public.

Comment:

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).

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.

Comment:

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.

Response:

While the hamlet area of Brainard is over 5 miles away from the quarry site and outside the standard radius for visual study, East Nassau was inventoried at the 5 mile radius and found to

have no views to the quarry site due to topography. Therefore, due to distance, topography, and orientation of the site from Brainard, the Hamlet of Brainard will not be visually impacted by the quarry site.

Comment:

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.

Comment:

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.

Response:

County Route 23 (referred to in the study as South Road) was inventoried and found to have minimal views of the project area due to the orientation of the excavation area. Portions of the project, visible from Route 23, is expected to be limited only to tree removal, see photos 22-24.

The public travel corridors along Route 66 and Totem Lodge Road were evaluated extensively. While, the viewshed map revealed that overlook areas along portions of Totem Lodge Road and Route 66 would potentially have views of at least some portions of the proposed project, the extent of views along the public corridors in these areas are shown in the photos taken in the study. See visual receptor table, photo assessment, and photo simulation exhibits.

Comment:

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.

Comment:

Additional visual impact studies should be required.

Comment:

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.

Response:

Community character. Contrary to the last comment above, the impact assessment in the Visual Study included a quantitative and qualitative analysis of the Nassau Quarry which included the following criteria:

1. Duration and circumstance of view;
2. Distance of view;
3. Percent visible;
4. Visual character;
5. Short term and long term views.

Adequacy of Visual Study. The Nassau Quarry Visual Study was prepared by a licensed landscape architect in full accordance with the New York State Program Policy: Assessing and Mitigating Visual Impacts.

The impact assessment was performed using two scenarios: end of phase 1 and full buildout. The full buildout scenario was identified as the worst-case scenario and is the scenario that the final impact assessment was based on. Impacts during operation of the quarry prior to the full buildout scenario will be less than the full buildout scenario. Performing additional modeling for all of the intermediate phases is not merited for a project where the visual impacts have been shown to not be an issue under the worst case scenario.

Viewshed Maps. The viewshed maps were developed using available USGS quads to analyze potential for impact to scenic and aesthetic resources as outlined in the NYSDEC Program Policy: Assessing and Mitigating Visual Impacts. Once the viewshed map was developed, public views from specific places (including hamlet areas and homes potentially historically eligible) which could be potentially visually impacted by the Nassau Quarry were identified by field reconnaissance. An example of a new house that was included in the Visual Study is photo 19, which is a house that is still under construction.

Evaluation of the vantage points in the study area revealed that 9 receptors would have views limited to tree removal only and 22 receptors will have some view of excavation.

Impact Assessment. The following conclusions are taken directly from the Nassau Quarry Visual Study and included as Appendix J of the DEIS:

- None of the viewing locations would be adversely visually impacted by the proposed project. Furthermore, the visual character of the study area will not be visually impacted as a result of this project.
- Of the viewing locations, with partial views of excavation, none of the locations would be significantly or adversely impacted by the altered views since no horizon line will be permanently altered, the visual exposure of the proposed excavation will be temporary and can be successfully mitigated by proposed reclamation.
- The effect of the excavation on the visible pattern is generally consistent with the character of the surrounding landscape in that the excavation will not significantly change the visible scale or character of the existing excavation area or surrounding landscape by permanently disrupting any critical visible horizon line.
- Taking into consideration the limited quantitative exposure of the proposed project, the implementation of proposed mitigation will diminish or completely block any qualitative discrepancies and successfully mitigate any visual impact of the proposed project.

Comment:

Alternative visual impact mitigation measures that avoid the banding effect created by bench reclamation should be analyzed and addressed in the DEIS.

Response:

Banding as the result of bench reclamation is not an issue for the following reasons:

1. **Lack of views into the quarry:** As discussed previously and in the Visual Study included in the DEIS, views of the quarry will be very limited and most of the views will be of tree removal.
2. **Modeling:** The photo simulations that were done as part of the Visual Study used a wire-frame model of the quarry to determine potential for impact. The quarry benches were included in the wire-frame model and were taken into consideration during the potential impact analysis.
3. **Phasing:** The phase plan was designed to minimize views into the quarry during operation. A thorough discussion of the phase plan with maps was included in the Mined

Land-Use Plan.

4. **Vegetation:** As discussed in the Mined Land-Use Plan and DEIS text, the upper benches will be planted with a mix of native tree species which will screen the faces behind them.

5. **Concurrent Reclamation:** As discussed in the DEIS text, concurrent reclamation will be performed during all six (6) mine phases and concurrent reclamation of the upper benches will begin during phase 1. Early reclamation of the upper benches will allow for substantial vegetative growth prior to the final mining phase. The final mining phase is the phase that the Visual Study identifies as the phase with a higher potential for views of the upper faces.

Comment:

The visual impact should be analyzed at the property line of the quarry.

Response:

A substantial vegetative buffer area will be maintained around the perimeter of the quarry. In addition perimeter vegetative berms ranging in height between 10 and 30 feet will be constructed prior to each phase of mining and will substantially mitigate views into the quarry. Vegetation thinning through the buffer area may be evident along portions of the property line, however, due to the vegetated berms, orientation, juxtaposition, and phasing of the excavation areas within the property itself, views of excavation at the property line will be limited.

If you have any additional questions, please feel free to call our office.

Sincerely,
CLA SITE
Landscape Architecture,
Engineering, and Planning, PC.

A handwritten signature in purple ink, appearing to read "Peter Loyola".

Peter Loyola, ASLA
Principal