

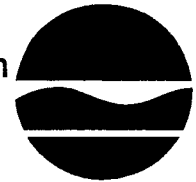
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

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Denise M. Sheehan
Commissioner

28 March 2006

Mr. Merle Draper, Supervisor
Town of Shelby
4062 Salt Works Road
Medina, New York 14103

MAR 31 2006

Dear Supervisor Draper:

Re: **Lead Agency Determination**
DEC 8-3436-00033/00001 MLR 800823
Frontier Stone LLC - New Shelby Quarry
Shelby (T), Orleans County

The Department has received a permit application from Frontier Stone, LLC for the development and operation of a 215.5 acre dolomite/limestone quarry on property owned by Chester and Dorothy Zelazny. The proposed mine is located south of Fletcher Chapel Road and bounded generally by Sour Spring Road on the west and South Wood Road on the east. I have enclosed a copy of the application form, full environmental assessment form, and map for your review. The entire application package will be forwarded to the Town for a 30 day public review and comment period when this application is deemed complete by DEC.

I have tentatively identified this proposal as a Type 1 action pursuant to State Environmental Quality Review Act (SEQRA) regulations and I have chosen to coordinate the review of the project and seek Lead Agency. A lead agency must be selected from among agencies and local governments who may have a permit decision and/or other local approvals over the project.

Since the DEC has primary, statewide responsibility for the regulation of mining, it is the Department's policy to seek lead agency for purposes of the SEQRA review for all mining projects. I would request the Town of Shelby consider the selection of a lead agency for this review, and agree that the Department should serve in this capacity. If I do not receive specific objection from the Town within 30 days of the postmark date of this letter, I will assume SEQRA Lead Agency for the Department and proceed with the environmental impact review of this application. Your participation as an involved agency is acknowledged and supported. Please advise me of any issues that should be incorporated in our review, particularly those that might affect our determination of significance (positive or negative declaration of environmental impact).

By copy to the applicant, this letter will also serve as a *Notice of Incomplete Application*, pending the selection of a Lead Agency. Other additional information concerning the mining and reclamation plans and maps will likely be requested as this review continues.

Mr. Merle Draper, Supervisor
DEC 8-3436-00033/00001 MLR 800823

28 March 2006

Please contact me at 585-226-5401 or email at dlbimber@gw.dec.state.ny.us if you have any question relating to the status of this application or the information discussed in this letter.
Thank you for your time and assistance in this matter.

Sincerely,



David L. Bimber
Deputy Regional Permit Administrator
Division of Environmental Permits

enc.

cc w/o enc: Steven Army, Division of Minerals
Scott Jones, Bureau of Habitat
Heidi Kennedy, Bureau of Wildlife
Tom Roster, Iroquois National Wildlife Refuge
Charles Loiacano, Frontier LLC
John Hellert, Continental Placer