

July 10, 2006

Mr. Dave Bimber:  
Deputy Regional Permit Administrator  
6274 East Avon-Lima Road  
Avon, N.Y. 14414

I am writing you this letter in reference to the proposed stone quarry in the Town of Shelby. As a resident, living only 1/3 of a mile from the proposed site, I have my concerns about my well, the noise, and dust from the production of crushed stone being produced at the quarry. In addition my concerns are for the truck traffic and the effect it may have on the wildlife in the Iroquois National Wildlife Refuge which could be devastating.

Having been in the construction business over 30 years I do have knowledge of how a quarry works. They can say they will do this and not do that but we all know how that goes sometimes.

The main reason for my writing you this letter is in response to something that was presented to the Shelby Town board meeting on June 13, 2006. A Syracuse law firm, Gilberti, Stinziano, Heintz and Smith were there on behalf of Frontier Stone Llc. An environmental attorney with this law firm got up and said that new blasting technology helps to focus the blasts, reducing noise, and pinpointing the energy. That could still be pinpointed at my water source. He also said that western N.Y. contractors and municipalities would benefit from the stone to build homes and roads. He talked about the high cost of asphalt to build roads due to the stone quarry's closing because of lack of stone and having to haul the blacktop at an average of 30 miles away. We do not have that problem here in Shelby. I did my homework and this is what I came up with as to how far away our quarry's actually are.

Barre Stone Products	(East of proposed site) 6.5 miles	stone & asphalt
County Line Stone	(south of Proposed site) 15.45 miles	stone & 2 asphalt plant
Buffalo Stone Corp.	(South of proposed site) 10.58 miles	stone & asphalt plant (not producing)
Shelby Crushed Stone	(west of proposed site ) 5.11 miles	stone only
Lafarge	(west of proposed site) 9.2 miles	stone only
Lafarge North American	(west of proposed site) 15.14 miles	stone & 2 asphalt plants
Hanson Stone Product	(east of proposed site ) 22.6 miles	stone only
Hanson Stone Product	(south east of proposed site) 25 miles	stone & 2 asphalt plants
Fruit Ave Sandstone	(north of proposed site) 6.1 miles	Crushed stone

There are also 7 active sand wash and gravel pits in operation within a 10 mile radius of the proposed site.

In closing I know that some of my information may not be environmental concerns, and

may not have an impact on your decision, but if your decision could sway either way that my concerns may help in your decision to deny the permit application. Is this quarry Need or Greed..

Thank you in advance for your time and consideration.

Yours truly,

Kenneth L Printup Sr.  
5097 Bigford Road  
Medina, NY 14103  
585-798-2639 Cell (585)704-7674  
E-mail – unit3074@yahoo.com

July 10, 2006

D. E. C.  
6274 East Avon-Lima Rd.  
Avon, N.Y. 14414-9519

Attn: David Bimber

Dear Sir,

We are writing this letter to inform the D.E.C. that we are strongly opposed to the proposed opening and operation of a stone quarry on Chester Zelazny's property on the Fletcher Chapel Rd. We reside 3-4 miles away from this property on South Gravel Road, and the reasons for our opposition are the following:

<1> With four other stone quarries in Orleans County, and a more than adequate supply of stone, a 5<sup>th</sup> quarry is definitely NOT necessary.

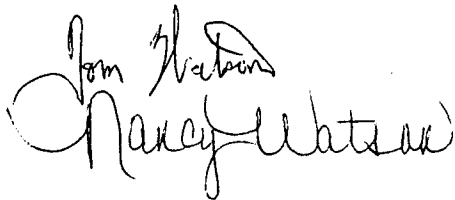
<2> By far, the most important issue is the serious health concerns that could arise from the mining and trucking of the stone. Residents in the area who are suffering from allergies, asthma etc. will definitely be affected from the dust. This is NOT a good environment for babies and young children.

<3> For the residents who cannot speak---please consider the close proximity to the Iroquois National Wildlife Refuge !!!!! Common sense tells anyone that the noise and air pollution would most certainly disrupt the habitat of the wildlife.

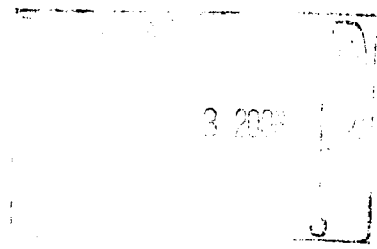
<4> As we stated earlier, we have resided on South Gravel Rd. for 36 years. Being a state highway, we have experienced our share of traffic, noise and road dust, and do not feel that an increase in those areas are necessary

In closing, we sincerely request that the D.E.C. take into consideration all the reasons and factors and REJECT the request for the opening and operation of the Frontier Stone Co. stone quarry.

Thank you,  
Tom and Nancy Watson



**TOWN OF SHELBY**  
**County of Orleans**  
**4062 Salt Works Road**  
**PO Box 348**  
**Medina, NY 14103**



Office of Town Clerk 585-798-3120  
Office of Highway Supt. 585-798-3248  
Office of Assessor 585-798-3465

July 11, 2006

David L. Bimber  
Deputy Regional Permit Administrator  
NYSDEC – Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414-9519

Re: Draft Environmental Impact Statement Scoping Outline  
Frontier Stone, LLC – Shelby Quarry  
DEC 8-3436-00033/00001 MLR 800823

Dear Mr. Bimber:

Each member of the Town of Shelby Town Board is in receipt of a copy of your correspondence dated June 7, 2006 and the attachments thereto including the scoping outline. Please be assured that each member of the Shelby Town Board has carefully considered the contents of your correspondence and the scoping outline. The Town Board concurs with the issuance by your office of a positive declaration of significant effect with respect to the proposed action and further concurs with the necessity of the preparation of a Draft Environmental Impact Statement.

Additionally, all of the members of the Shelby Town Board were present at the public scoping meeting held on June 27, 2006 at the Shelby Town Hall. Accordingly, the members of the Shelby Town Board have had an opportunity to reflect on the comments made at the scoping meeting. The Town Board also takes due note of the extremely large attendance at the public scoping meeting. Given that the public scoping meeting was transcribed, and the transcript will become a part of the official record of this application, it is unnecessary to summarize the public comments in the context of this correspondence. A number of issues have been raised regarding the project's potential for adverse impacts to wildlife, increased noise and dust, traffic, ground water/surface water quantity and quality within the project area, and impact to wildlife and wildlife habitats found in and adjacent to the Iroquois National Wildlife Refuge. While all of the aforementioned issues are of enormous local concern, negative impact to wildlife and wildlife habitats found in and adjacent to the Iroquois National Wildlife Refuge must also be viewed in a regional and state-wide context.

Pages 2 through 6 appear to require exhaustive examination of these issues and their potential impact. The Town Board concurs with those enumerated issues. A subject area which was repeatedly raised at the scoping meeting was the impact of blasting on the foundations of homes and other structures in the proximity of the proposed mine. Not only is blasting likely to result in noise and dust, but may well have an impact on the structural integrity of residences and other improvements to real property in proximity to the mine. Therefore, the Town requests particular attention be paid to blasting not only as a potential nuisance but also as a potential destructive force to the structural integrity of improvements.

Given the proposed location of the mine site, it would appear that traffic and transportation will be utilizing the existing roadway system which consists mainly of local and secondary roads. Maintenance and control of this local roadway system falls to a large extent on the Town government. Given the expense of road construction and repair, traffic and transportation is of particular concern to the Town. Therefore, the Town requests that detailed study be given to this subject and the potential impact to the Town in terms of increased cost of road maintenance and repair and corresponding tax revenue requirements be examined in the Draft Environmental Impact Statement.

Similarly, as the elected members of the Town government, the Town Board is of the opinion that the DEIS must also thoroughly assess the potential impacts of the project on the local economy, employment opportunities, revenues and property values, not only in proximity to the mine but also throughout the Town. While there may be some potential for additional assessment valuation to the Town as a result of the possible construction of the project, it also appears that a potential long term impact of the project would be to diminish property values of existing construction and to discourage future rural business and residential development. In the event that there is a negative effect on property values in proximity to the mine and throughout the Town, the construction of the project may conceivably result in a net negative revenue impact to Town government and the Town as a collective municipal entity.

As well as the impact on the governmental revenue stream, due consideration must be given to the demographic and sociological changes attributable to the project which may ensue. Continuance of a rural agrarian lifestyle has always been identified as a key element for becoming and staying a resident of the Town of Shelby. It would also appear that the proposed project area falls within the Oak Orchard Creek Watershed. The Orleans County Soil and Water Conservation District has devoted considerable time and effort to studying and ensuring the vibrancy of the Oak Orchard Watershed. This would appear to be a concern of agriculture producers as well as residents, and therefore, requires specialized study and evaluation in the DEIS.

It is the opinion that the Town Board that one of the most important functions of the scoping process is to identify the alternatives to the proposed action which must be addressed in the DEIS. As you know, the SEQR regulations identify a range of alternatives that should be considered for inclusion in the DEIS. The consideration of

less environmentally damaging alternatives is one of the critical objectives served by a DEIS. The Lead Agency is charged with ensuring that the DEIS contains a description and evaluation of the range of reasonable alternatives to the action which are feasible considering the objectives and capabilities of the project applicant. Alternatives can be quite varied, and in this instance, alternate avenues should be considered such as different sites or simply not proceeding with the proposed action at all. The DEIS should, in the opinion of the Town Board, thoroughly evaluate the avenue of not proceeding with the proposed action at all. This request is made in recognition of the fact that there is an already existing mining operation within the Town and there are mining operations in adjacent and nearby towns. Given the ample availability of mined stone products, the DEIS should utilize a balancing test whether the potential benefits of additional mined stone products outweighs the impacts on the natural resource system, traffic, community services, and fiscal balance.

Similarly, the DEIS should identify and discuss the irreversible and irretrievable natural and human resources which will be made unavailable for future use should this project proceed. Your scoping outline suggests that growth inducing aspects should be evaluated as a result of the proposed project. Conversely, an equal amount of study and discussion needs to be devoted to the growth inhibiting aspects that may occur as a result of the proposed project.

Simply put, the proposed project has the real potential to be one of the most significant events in the life of the Town of Shelby. Given the magnitude of the potential impacts, the Town Board must insist that the NYSDEC as lead agency, require that the DEIS be of equally comprehensive length, breadth and sophistication.

Very truly yours,



Merle Draper  
Shelby Town Supervisor

cc: Town Councilmen  
Town Clerk

July 10, 2006

DEC

274 East Avon - Lima Rd.  
Avon, N.Y. 14414-9519

To whom it may concern,

I am writing to comment on the PEC scoping meeting at the Town of Shelby town hall on June 27, 2006, about the proposed stone quarry on the Chester Zelayny property.

My wife and I purchased our property, located at 11646 Fletcher Chapel Rd., in September of 1962, moving there in July of 1963. It was an old home, needing a lot of repair and remodeling, knowing that it was all we could afford at the time, rearing six children. We chose to live out in farm country, and enjoy watching the wild life surrounding us. We can look out, both to the north and to the south, and observe wild turkey, deer, duck and geese, different times of the year, plus all our feathered friend that we feed at our feeders.

With the proposed stone quarry, we would see that all disappear. We would also see the value of our home be reduced by at least twenty percent, according to a couple realtors. Our next door neighbor has been trying to sell his home, and when he has someone interested in it, they decline, until they find out the status of the quarry. Although we have municipal water, many

## II

of us still use our wells irrigating lawns and gardens, and some still prefer it for drinking. Those wells stand a good chance of being destroyed, through the quarry operation.

The reason I bring this up is, that I grew up on a farm which is situated on the corner of the Shelby Basin rd. and Freeman rd., Town of Shelby. This property is situated about  $\frac{3}{4}$  mile from the quarry operation on the Blair rd. in the Town of Shelby. Since its operation, the water in the well isn't potable. While my mother was still alive, she either had water brought to her by relatives, or she purchased it in stores. Also the quarry blasting cracked the foundation of the house.

Some points I would like to bring up.

1. This is part of the Oak Orchard Water Shed area. What happens to it?
2. This is all farm country, which is in an ag District, which I am told that it is important to keep our rich farm land intact as good farming land is important for the preservation of humanity. All of a sudden, it is unimportant to keep rich farm land intact?
3. Proximity to the Iroquois Wildlife Refuge. The quarry property butts up to it.
4. At the meeting, there was a picture projected on the screen of the area to be mined. Why wasn't



the aerial picture made large enough to show all the roads, encompassing the square mile of property surrounding the quarry site? (The roads being Tibbets road to the south; Sour springs to the west; Fletcher Chapel Rd. to the north; and South woods rd to the east.) There are twenty (20) homes surrounding this area, fifteen (15) of which are on the Fletcher Chapel Rd., between the Sour Springs rd. and the South woods rd. The Ingham Job Corp houses 250 students on the Tibbets Rd., plus staff that commutes to work there.

all surrounding areas of the proposed quarry are approximately 250 feet from quarry area.

I am deeply concerned about the wild life, and just as important, the human factor.

Thank you for the privilege of voicing my concern.

Sincerely,  
Lavern O. Fuller

Lavern O. Fuller  
11646 Fletcher Chapel Rd.  
Medina, N.Y. 14103

4 2002

July 11, 2006

David L. Bimber  
NYSDEC  
6274 E Avon-Lima Rd  
Avon, NY 14414

Dear Mr. Bimber:

Thank you for the opportunity to comment on the scoping outline for the draft EIS for the proposed Frontier Stone Shelby Quarry (DEC 8-3436-000 33/00001). Please forgive my handwritten letter but I am currently out of town and do not have access to a computer.

I first would like to formally request that all project-related documents be placed at the Lee Whedon Library, West Avenue, Medina NY 14103 so that the public may have ready access to them. I anticipate that the draft EIS will be a lengthy document, and it would require most area residents to take a day (and probably more than one day) off of work to visit your office between 8:30 and

4:45pm Monday through Friday. The office is more than an hour from the project site.

The following are my comments on the scoping document:

#### Section 4.0

The scoping document mentions that an on-site survey of the mine site will be conducted. At a minimum surveys should be conducted in spring and fall due to the importance of the area to migrating birds. Ideally a survey should be conducted in each season of the year to note changes in use by wildlife.

Because I believe much of the project area is or has been used as farmland in the recent past, the potential impacts to grassland birds should be considered (in addition to birds that use forest interior habitats, wetlands and open water as specified already in the scoping outline.) <sup>potential</sup>

In addition to the loss of waterfowl hunting opportunities, the potential loss

of deer hunting and birding opportunities due to blasting noise and habitat change and the overall mining operation should also be evaluated. I have witnessed significant amounts of this type of activity near the project site

Groundwater

The draft EIS should focus heavily on the potential impacts to groundwater. It should include maps showing all homes that use well water and should evaluate the potential impacts to homes on Bigford and Edwards Roads that use well water as well as any homes on other neighboring roads that currently use well water, regardless of whether public water runs by those properties.

The potential for odors from the dewatering and settling ponds needs to be evaluated. How much hydrogen sulfide and other odor-causing compounds exist in groundwater presently?

Groundwater impacts should be evaluated for every season since there may be hydrological changes

at different times of year.

## Air Resources, Noise and Dust

The noise analysis should consider the potential impact of blasting noise on duck hunters, birders and other people recreating in the Iroquois National Wildlife Refuge. It should consider potential economic losses from people choosing not to visit the area due to noise impacts if it becomes apparent that there will be significant noise from the mine.

The effect of noise, especially blasting noise, on migrating and breeding birds needs to be considered. Loud noise can cause birds to flush, and this activity causes them to expend energy. I am familiar with research on tropical birds that showed negative impacts on birds that regularly flushed due to human disturbance. If there are any similar studies of wetland birds, these

should be considered.

Under "Air Resources/Noise/Dust, B. Potential Impacts" the scoping outline states that "Processing equipment and processing plant locations will be identified and discussed to the extent possible."

Given the proximity of the mine to homes and to the Iroquois National Wildlife Refuge, these locations should be spelled out in the draft EIS. Only then can the true impact to the site neighbors be evaluated.

Additionally, this is a very windy area. To measure the potential for dust to leave the site and cause problems off-site, wind speed and direction measurements should be taken during all seasons of the year. Changing seasonal wind conditions should be evaluated.

### Traffic and Transportation

The draft EIS should include information about whether existing

roads were built to handle the anticipated truck traffic, who pays to maintain those roads (town, county, state?) and whether those entities will be able to sustain additional maintenance costs, etc.

The "additional traffic counts" and/or traffic data that is reviewed should include not only whatever route the applicant plans to use but also an analysis of Bigford, Edwards, and Harrison Road traffic. It is well known to area residents that the intersection of Fletcher Chapel Road and Route 63 is a difficult and dangerous intersection due to limited sight distance.

Travelers familiar with the area frequently take Bigford or Edwards Road to Harrison Road. The Harrison Road/Route 63 intersection is a much easier intersection, with longer ~~the~~ sight

distances.

Despite the applicant's initial intention to direct truck traffic through the Wildlife Refuge to route 63, I do not believe that trucks needing to travel north or northwest will follow this longer route, nor do I have any reason to believe that local, county or state law enforcement officials have or will have the resources to regularly enforce such a traffic route.

### Visual Resources

The view of the Inoquois Wildlife Refuge from Fletcher Chapel Road residences and the road itself should be evaluated. There is a significant drop in elevation between Fletcher Chapel Road and the Refuge, which makes for very scenic views. It would seem like a mine and any berm designed to hide it could significantly alter the



views from homes along  
Fletcher Chapel, which could  
impact their property values.

### Human, Economic and Community Resources

The draft EIS should consider the potential loss of revenues from reduced birding, hunting and hiking activity in the Iroquois refuge. It should consider the impact of increased road maintenance costs on local governments and the cost to increase law enforcement activities on area roads. Site safety and security issues should be evaluated in relation to the neighboring Iroquois Job-Corps population of teenagers.

The draft EIS should also explicitly explain the applicant's reclamation plan, including how the reclamation will be funded, who will maintain the new habitats (for example,

invasive species control will be necessary to establish a quality wildlife habitat around the lakes. ~~Who~~ who will maintain the habitat and for how long? How will it be funded?

Because the mine operations are expected to affect the neighborhood for the next 75 years, it seems appropriate that the reclamation plan be designed to establish and maintain a quality wildlife and scenic habitat for 75 years after the mine ceases operation.

A quality habitat can take many years to become self-sustaining. The draft EIS should provide details on the length of time for the reclamation plan to be implemented.

Additionally, it seems that reclamation plans call for a large deep and smaller deep lake, which is a change from the current wetland and upland

communities that exist in the area. The draft EIS should evaluate the impacts from establishing such a different type of habitat. Could some type of wetland development be included in the reclamation plan? By wetland I mean emergent marsh, swamp or wet meadow habitat.

#### Section 5.0

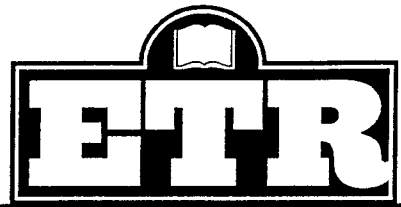
Alternative Land Use - continued use of the area ~~for~~ agricultural production or for wind farm development should be considered.

Thank you for considering my comments. I look forward to reviewing the draft EIS at the Lee Khedon Library. If you have any questions (or can't read my writing!) please do not hesitate to contact me at 585-944-0951.

Sincerely,

Meaghan Green

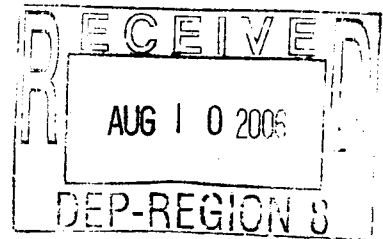
11425 Harrison Rd, Medina NY 14103



**IROQUOIS JOB CORPS CENTER**

July 25, 2006

David L. Bimber  
Deputy Regional Permit Administrator  
NYSDEC-Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414-9519



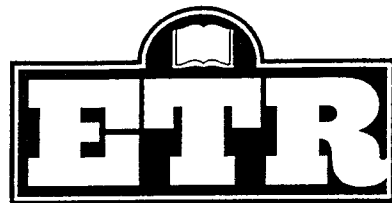
**RE: Draft Environmental Impact Statement Scoping Outline  
Frontier Stone, LLC – Shelby Quarry  
DEC 8-3436-00033/00001 MLR 800823**

Dear Mr. Bimber:

The Iroquois Job Corps Center is in receipt of a copy of your correspondence dated June 7, 2006 and the attachments, including the scoping outline. Please be assured that we have carefully considered the contents of your correspondence and the scoping outline. The Iroquois Job Corps Center concurs with the issuance by your office of a positive declaration of significant effect with respect to the proposed action, and further concurs with the necessity for the preparation of a Draft Environmental Impact Statement. In addition, as an affected entity, we request that we are provided a copy of all future correspondence regarding this project.

A number of issues are of great concern to our training center in regard to this project's potential for adverse impact to the quality of life for our residents and the existing infrastructure of our facility. This particular Job Corps Center houses 255 residents and operates 24 hours per day, 7 days a week. We maintain our own water, sewer and fire prevention systems.

1. The intent of the mining operation to blast in close proximity to the Job Corps Center risks the integrity of its structures, creating the potential for catastrophic failure.
2. The Center utilizes 36,000-40,000 gallons per day of potable water from ground sources. We are concerned the mining operation has the potential to disrupt the water table and deplete or compromise our resources
3. A large portion of our staff and students have respiratory conditions and an increase in airborne particle material resulting from ongoing blasting may exacerbate their current medical conditions or cause more serious health issues to our Center population.
4. Students at our Center are considered "at risk" youth; increased noise levels could disrupt their learning environment and prevent them from completing their educational goals.
5. The Center strives to provide a calm environment for our "at risk" student population. Blasting in the evening hours could interrupt their sleep cycles, impeding their quality of life and depleting their ability to focus on their academic studies and career skills training.



6. Some of the Center buildings are constructed at a lower elevation. The concern of uncontrolled flooding to these buildings due to a water table disruption needs to be taken into consideration.
7. The Center relies on a sprinkler system fed by a fire suppression pond. The disruption of the water table could eliminate our ability to insure the safety of our students. Should a disruption occur and obstruct the operation of our sprinkler system, this center would have to close immediately.
8. The wetlands around the Center expose the student population to a diverse variety of wildlife and waterfowl. Many of our students have had little experience cohabitating in isolated and natural surroundings. One of the tools used on the Center to create a calm environment is visual interaction with the wildlife. A disruption to the wildlife could directly effect our students' ability to adapt to Center life.
9. We are concerned with the increased traffic potential creating unsafe pedestrian conditions. Staff and students frequently walk on Sour Springs, South Woods, Tibbets, and Old Oak Ridge Roads. During the training day academic classes routinely walk down these roadways as an educational experience to heighten the students' awareness of the surrounding nature the refuge harbors.
9. With the potential disruption to the environment, we believe a geographic as well as an in-depth hydrographical survey needs to be completed and all parties informed of the survey findings.

The proposed project has enormous potential to completely subvert operations of the Iroquois Job Corps Center, the students learning environment and the over all safety. Given the magnitude of the potential adverse impacts, we request an alternative site be identified. In closing, we believe this proposed heavy industrial/commercial operation would be in direct conflict with the current operation of this center, the learning environment for our student population, and the preservation of the natural surroundings.

Sincerely,

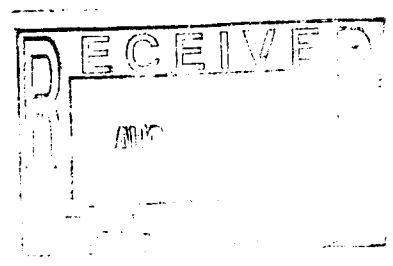
A handwritten signature in black ink, appearing to read 'Steven G. Belk', written in a cursive style.

Steven G. Belk  
Center Director

cc: Robert Sweeney, Project Manager - DOL – Region 1 – Job Corps  
Brian Fox, President – Education and Training Resources  
Timothy Davis, Safety Manager – Iroquois Job Corps Center

July 29, 2006

Mr. David Bimber  
Dept. Regional Permit Administrator  
Division of Environmental Permits  
6274 East Avon-Lima Road  
Avon, NY 14414-9519



Celeste Morien/ Thomas Morien  
12534 Hemlock Ridge Road  
Medina, NY 14103

Dear Mr. Bimber:

My husband and I are writing to voice our strong objection to the planned Frontier Stone Quarry in the Town of Shelby. We are objecting for several reasons.

Foremost, we are frequent users of the Iroquois National Wildlife Refuge and think the hydrology of this project will have negative impacts on the water levels and therefore, the wildlife of the refuge as well as the wildlife of the land proposed for quarry use, which is used by Short-eared Owl and Northern Harrier for both nesting and hunting. Many other ground nesting grassland birds, which all face loss of habitat currently survive in some of these fields, including Horned Lark, Savannah Sparrow, Bobolink, Upland Sandpiper, Eastern Meadowlark, Vesper Sparrow, Henslow's Sparrow, Grasshopper Sparrow and Field Sparrow. The section of land specified for use by the stone quarry is massive and is directly adjacent to the Forrestal Flats north of Oak Orchard Ridge Road, a part of the refuge which is well known as a grassland bird habitat. Use of the land close by for a quarry further isolates the populations of birds on the refuge genetically from surrounding populations, making the remaining birds subject to further species decline. At the least, if this quarry is approved, the management of the quarry should be required to create a natural grassland habitat with the affected area, maintaining it as unmowed field through to September, rather than as a mowed, groomed site. This should be required from the onset of operations, not waiting for the 75 year usage to be over, as mentioned in the proposal.

Secondly, our home is located 1.5 miles from the proposed quarry site. We are very concerned that truck traffic, blasting vibrations and noise and air emissions will have a negative impact on our house value and quality of life in the entire neighborhood.

Third, there are already two existing quarries, one in Barre and one in Shelby. Why disrupt more agricultural land when limestone can be obtained already from two other sources?

Thank you for registering our objections to this project.

Sincerely,  
Celeste S. Morien  
Thomas E. Morien



# Genesee Valley Audubon Society

August 7, 2006  
208 Rhea Crescent  
Rochester, 14615-1212

Mr. David Bimber  
Deputy Regional Permit Administrator  
NYS DEC Region 8  
6274 East Avon-Lima Rd  
Avon, New York 14414-9519

RE: Frontier Stone, LLC, Shelby Quarry

Dear Mr Bimber:

On behalf of the Board of Directors of Genesee Valley Audubon Society, I respectfully submit to you the following statement for the Public Record. We have reviewed the scoping outline for the above project. We believe that any project at this proposed site could affect the water level and quality of a national wildlife resource, Iroquois National Wildlife Refuge (Iroquois NWR).

As we have seen with other mining projects mistakes can be made causing aquifers to be drained and the water quality sacrificed. These mistakes can have far reaching implications, therefore we believe that Iroquois NWR will be put at risk by the proposed quarry. Therefore, we believe this project should not be approved.

Sincerely,

June Summers, President GVAS



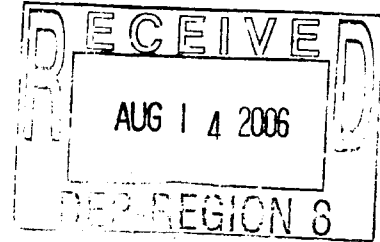
# United States Department of the Interior



FISH AND WILDLIFE SERVICE

Iroquois National Wildlife Refuge  
1101 Casey Road  
Basom, NY 14013

August 10, 2006



David L. Bimber  
Deputy Regional Permit Administrator  
NYSDEC – Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414 - 9519

RE: Draft Environmental Impact Statement Scoping Outline  
Frontier Stone, LLC, Shelby Quarry  
DEC 8-3436-00033/00001 MLR 80823

Dear Mr. Bimber;

The Iroquois National Wildlife Refuge is in receipt of your June 7, 2006 letter indicating that a draft environmental impact statement will be prepared for the proposed Shelby Quarry for Frontier Stone, LLC and that a draft scoping outline is available for public review and comment.

These scoping comments and information are being provided under the State Environmental Quality Review Act process. We support the scoping outline provided by the New York State Department of Environmental Conservation and the comments below are in addition to the outline provided by the NYSDEC. Additional comments may be provided by our agency under other legislation such as the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) or the Fish and Wildlife Coordination Act (48 Stat.401, as amended; 16 U.S.C.661 *et seq.*).

The Iroquois National Wildlife Refuge (NWR) is a 10,828 acre refuge located in Orleans and Genesee Counties in western New York. The Iroquois NWR was established in 1958 under the Migratory Bird Conservation Act as an inviolate sanctuary for migratory birds. Our habitats consist of 4,190 acres of uplands and over 6,600 acres of wetlands. Iroquois NWR has recorded over 300 bird species, 42 mammals, 29 amphibians and reptiles and 504 plants. The refuge is home to 2 nesting pairs of bald eagles. The bald eagle is currently listed federally as a Threatened Species. Oak Orchard Creek meanders through the refuge and is designated as a National Natural Landmark.

Along with providing habitats for wildlife the refuge provides wildlife-dependent recreational opportunities like hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. The popularity of the refuge's programs is important to the local





community as well as those folks that travel to the area to visit the refuge. The refuge's visitation for these activities is from 35,000 – 50,000 annually.

Additionally, the Iroquois Job Corps Center is located on the refuge and is approximately one-half mile just south of the proposed quarry. The Center is a training facility for youths from age 16 to 22. The Center has housing, cafeteria, offices, and training facilities for 255 students and over 100 staff, as well as their own water well and septic systems

As you can see above, 60% of the refuge habitat is wetland related and the refuge is home to many wetland dependent bird, mammal, amphibian, reptiles and plant species. In addition to this, much of the refuges recreational opportunities are dependent upon wetlands. Examples include birding for waterfowl and marsh and wading birds, waterfowl hunting, fishing and interpretive programs that focus in on aquatic species or wetland management techniques. Hence, it is imperative that water resources, both surface and sub-surface, be analyzed for the impacts to water resources off-site of the proposed quarry area.

Ground water flow paths need to assess the potential impact of changing these flow patterns due to quarry operations. The refuge has four emergent marsh wetlands totaling over 300 acres near the vicinity of the proposed quarry. Consultation with U.S. Geological Survey staff or professional hydrologist may provide pertinent information and advice on ground water flow patterns and potential impacts.

The refuge provides opportunities for waterfowl hunting as mentioned in the draft scoping outline. However, there are additional recreational activities that could be impacted as well including, deer hunting, small game hunting, fishing, birding, trapping, etc. The impacts to all these other activities should be addressed as well and not limited to just waterfowl hunting.

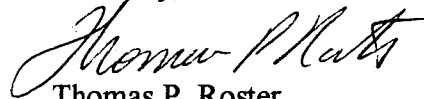
Blasting and use of heavy machinery on-site will produce noise levels much higher than ambient conditions; therefore, the project sponsor should evaluate these potential effects on the Iroquois NWR and wildlife.

The draft environmental impact statement (DEIS) should specifically identify traffic patterns to and from the quarry area. There are two roads that go through the refuge that will allow access to the proposed quarry – Oak Orchard Ridge Road and Sour Springs Road. If these roads are expected to be used the impacts to migratory birds and resident wildlife from the increase truck traffic and noise levels need to be addressed along the entire access corridor. Additionally, safety as well as aesthetic issues along this same corridor needs to be considered since refuge visitors use these roads for access to refuge facilities like observation areas and participate in activities like bird watching, hunting and fishing. The increased and continuous traffic may discourage use of these areas by refuge visitors for these types of activities.

The bald eagle (*Haliaeetus leucocephalus*) is known to occur at Iroquois NWR, as mentioned earlier. Bald eagles are found at various times of the year in the area, including during the migratory and breeding seasons. Eagles will feed on fish, carrion or small mammal prey where available. The project sponsor should evaluate the project's potential direct and indirect effects on bald eagles. Site specific surveys and monitoring of movements near and through the project site should be completed. The project sponsor should contact the Service's New York Field Office for more information. Existing information on bald eagles on Iroquois NWR can be obtained by contacting this office.

Thanks for the opportunity to comment on the draft scoping outline and for keeping the refuge informed on the DEIS process. I welcome the opportunity to discuss these comments with the NYSDEC and the project sponsor as needed. If you need anything further I can be reached at 585.948.5445 ext 202.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas P. Roster".

Thomas P. Roster  
Refuge Manager

**From:** David Bimber  
**To:** Davis, Timothy  
**Subject:** Re: Request Extension

I will contact the applicant to see if they will agree to an extension of timeframes. Do you need the entire 30 days or will something less (15 ?) be Ok?

I would appreciate if you could send a written request on organizational letterhead for the record.

Thanks

Dave

>>> "Timothy Davis" <Davis.Timothy@jobcorps.org> 07/11/06 8:32 AM >>>  
Mr. Bimber I received your email with attachments. I am reviewing the proposal. I am requesting a 30 day extension. I need to submit our concerns as well as notify the Department of Labor of pending developments.

Thank you

-----Original Message-----

From: David Bimber [mailto:[dbimber@gw.dec.state.ny.us](mailto:dbimber@gw.dec.state.ny.us)]  
Sent: Monday, July 10, 2006 5:00 PM  
To: Timothy Davis  
Subject: Frontier Stone, LLC

Tim:

Attached is a copy of the Positive Declaration, draft scoping outline and a .jpg of the project location. Please let me know if you have any problems opening the files. Call if you have any questions.

Dave

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

Voice: 585-226-5401  
Fax: 585-226-2830

**From:** Gerry Rising <insrisg@buffalo.edu>  
**To:** "David L. Bimber" <dlbimber@gw.dec.state.ny.us>  
**Date:** 8/8/06 10:28PM  
**Subject:** Quarry Concerns

Dear Mr. Bimber:

As a member of the Friends of Iroquois National Wildlife Refuge, I have been asked to look into the situation with regard to the proposed quarry adjacent to the INWR property. As part of my investigation, I contacted refuge managers across the country and have received a number of messages expressing concern about this situation.

The e-mail that I am forwarding, it seems to me, is of particular interest as it speaks to problems associated with a similar undertaking. In particular, it mentions a website that should certainly assist you in your investigation of this quarry proposal:

[www.dnr.state.mn.us/publications/waters/quarries\\_impacts.html](http://www.dnr.state.mn.us/publications/waters/quarries_impacts.html)

Surely Ms. Takekawa and Ms. Danver (mentioned in the message) could also serve as useful references in your study of this proposed activity.

Sincerely yours,  
G. Rising  
SUNY Distinguished Teaching Professor Emeritus  
University at Buffalo

----- Original Message -----

Subject: Quarry Question  
Date: Tue, 8 Aug 2006 12:44:51 -0700  
From: Jean\_Takekawa@fws.gov  
To: insrisg@buffalo.edu

Hi Gerry,

I thought it would be more appropriate if I wrote you directly regarding your question about effects of quarries on water and other Refuge concerns.

We have encountered issues associated with two gravel mines adjacent to or near Nisqually NWR out in western Washington. These issues have also involved associated asphalt plants, which I'm assuming is not an issue for you there. Water resource effects (both quantity and quality) are both valid concerns. They are also very difficult to quantify or demonstrate.

You may already be familiar with the following report, but I've attached a link that has an interesting report on the effects of quarries/mines on water table and water resources (done in Minnesota).

[http://www.dnr.state.mn.us/publications/waters/quarries\\_impacts.html](http://www.dnr.state.mn.us/publications/waters/quarries_impacts.html)

I understand from local agency people here in Washington that the type of operation at a quarry can also make a difference in impacts, depending on the product they are producing. In other words, gravel or

larger rock that is for building purposes typically requires water for washing and rinsing, which greatly increases the water use, and so increases potential impact on ground water in the area. For example, a Washington Department of Ecology staff person indicates that if crushed down to 1" in size, water is not typically used or needed to wash the rock, so water demand is reduced.

However, either way, quarries and gravel mines typically leave behind a big deep "lake" which then has an evaporative effect. For example, the final result of the one of the gravel mines adjacent to our Refuge will be a huge, deep "lake" which would result in an estimated 9 million gallons of water lost to evaporation annually. In a system that is already impacted by reduced water flow, this is a real concern.

Much of the debate and evaluation for these two gravel mines have occurred at the local and State level, as here in Washington all gravel mines are regulated by the County who issues the permits, plus involves Washington Department of Natural Resources, which regulates the reclamation plans for gravel mines. The close proximity of our Refuge has been one of several major issues raised by the public and environmental groups. Both proposals went to court - one has been resolved (they got their permit) and the other is still being contested.

In case you would be interested in more details, feel free to give me a call (see contact info below). You may also want to contact a local person here who has been very closely involved in one of the gravel mine issues here (that one involves expansion of an existing gravel mine, plus addition of an asphalt plant). She said she would be happy to talk with you further if you are interested. Sue Danver is the Conservation Chair for the Black Hills Audubon Society. Her home phone is 360-905-9247; email address is Sdanver7@aol.com

Best wishes in your support of Iroquois NWR - the role of Friend's groups is invaluable to Refuges across the country, Jean

Jean Takekawa  
Refuge Manager  
Nisqually NWR Complex  
100 Brown Farm Road  
Olympia, WA 98516  
360-753-9467

**From:** "Wendi Pencille" <wpencille@rochester.rr.com>  
**To:** "David Bimber" <dlbimber@gw.dec.state.ny.us>  
**Date:** 8/14/06 3:15PM  
**Subject:** Scoping deadline issues

Mr. Bimber,

I am writing to request that the permittee be required to have Flow Modelling be performed by the US Geological Survey to determine potential impacts of the quarry operation to the aquifer, groundwater flow, and surrounding area. I am requesting this as a part of the comment period for the scoping process.

I recently read the 38 page court decision regarding the problems caused by the mine in the Town of Clarendon in Orleans County NY. In the Matter of Aggregates New York Inc., Ruling on Issues and Party Status Dated May 21, 2004, by Administrative Law Judge, P. Nicholas Garlick.

Regardless of how the town handled the case from a legal perspective, the fact remains that the water over the town's historic waterfall was impacted by the dewatering of the mine as determined in the decision. Initially the Mining company was adamant that it was in no way responsible for the loss of water over the falls (pg 5). However the judge admitted that statements by the permittee did suggest a causal effect between it's activities and the the reduction of water flow over the falls(pg 6). The DEC performed an investigation utilizing aerial photographs and several visits to the mining site and determined that the mining activity could not have caused the the problems reported at the falls (pg 6) and issued a permit to allow dewatering in the mine. However, as soon as dewatering began, the flow of water over the falls ceased. The DEC finally admitted, not only that the mining practices were in fact responsible for the problem, but also that the DEC's own environmental review did not foresee the problem and could not foresee it. They finally concluded that further hydrogeological study was required the study the impacts.

If that happened in our case in the Town of Shelby, it wouldn't mean losing a nice waterfalls. It could mean devastation to an extremely sensitive habitat. The area of the proposed mine in the Town of Shelby is so sensitive hydrogeologically that it would seem essential to the permitting process to determine objectively, what the potential effects would be before permitting the mine in this area. In this case I believe it is imperative to employ an objective organization to perform the Flow Model vs. a company provided by the mining industry or with ties to the mining industry. And as evidenced in the case above, the current DEC SEQRA process proved woefully inadequate to the task.

I have spoken with Ed Bugliosi of the US Geological Survey office in Ithaca, NY that represents our area. He informed me that the process of Flow Modelling could take up to 2 years. When we're talking about permitting a mining operation that will be in business for 75 years according the the application, this would seem to be an extremely reasonable amount of time to take to perform this critical analysis.

I've also spoken with Steve Army, NYSDEC. Apparently he was the responsible party with respect to this mining issue as well as the decisions regarding remediation of the AKZO salt mine collapse south of Rochester. We're concerned with the DEC's ability to objectively and scientifically review the data collected by consultants paid for by the mining industry permittees. History has shown that your review processes have been inadequate in the past and we have more than a town waterfall to protect here in the Town of Shelby.

Sincerely,  
Wendi Pencille  
President, Citizens for Shelby Preservation and  
Concerned Resident, Town of Shelby

**CC:** "Gene Outterson" <outterson21@yahoo.com>, "Ken Printup" <unit3074@yahoo.com>, "Mike Fuller" <firedog657@wnyisp.com>, "Steve Seitz Jr." <Steve@E-Zsellrealestate.com>, "Skip Draper" <skipdraper@verizon.net>

**From:** "Wendi Pencille" <wpencille@rochester.rr.com>  
**To:** "David Bimber" <dlbimber@gw.dec.state.ny.us>  
**Date:** 8/22/06 10:03PM  
**Subject:** Re: Fw: Scoping deadline issues

Dave:

It appears that you may have missed the issues I considered critical in my previous email (see below.) The important point in my comments regarding the hydrogeological study was not merely that it needs to be done, but that it needs to be done by an impartial science-based organization. It should not be done by a consultant that caters to the permittee, the mining industry.

Also, that at the very least, the data presented should be reviewed by impartial scientists. From all appearances the DEC seems to be in the business of issuing permits. In three months of talking with officials with the DEC I could find no one who could remember a mining permit ever being denied. No one could produce a single name or example when requested. As such it appears that, barring an incomplete application, while the DEC does require a lot of paperwork and hoop-jumping on the part of the permittees, the DEC ultimately grants all mining permits.

US Geological Survey (USGS) is an impartial organization with no ties to the mining industry. They are well qualified and have extensive experience in hydrogeological data collection and flow modelling. The data they produce would be impartial and comprehensive. We believe they would be the best qualified and most appropriate organization to collect the data regarding the proposed mine in the Town of Shelby adjacent to the Iroquois National Wildlife Refuge. Brockport State University has a department dedicated to surface and groundwater issues. They could review the data. Again they are impartial and science-based.

We want to make sure that the hydrogeological data produced regarding the proposed quarry in the Town of Shelby is more objective, is more carefully reviewed and is more thoroughly scrutinized than was the data produced in the Clarendon situation and any other mining permit application to date. We've got much more to lose here in the Town of Shelby than a waterfall.

You mention that you were the analyst for the Clarendon situation. Do you mean to say that you were the only person to review the hydrogeological data and approve the de-watering permit? Are you a hydrogeologist? I assumed that the DEC had more than one qualified person, certified in the field of hydrogeology reviewing the hydrogeological data for scientific validity, comprehensiveness, and accuracy prior to approving permit applications. Is this not true?

In the case of the proposed mine in the Town of Shelby, we want an impartial and strictly science-based organization collecting the data. Further we want an impartial and highly qualified group to review the data, not the same group who reviewed the Clarendon situation and incorrectly determined that de-watering that mine would have no effect on the town's waterfall.

From talking to DEC officials and people from USGS I understand there is friction between DEC and USGS. We think past differences need to be set aside so that objective and accurate scientific data are collected and

presented. If this does not happen we fear that a permit will be granted based on unsound, subjective data. When this happens, the current way of life for local homeowners and a critical wildlife habitat will be sacrificed.

The above information is presented to clarify my previous comments which were submitted within the comment period for the scoping outline and which I wish to have included in the scoping outline.

Sincerely,  
Wendi Pencille  
President, Citizens for Shelby Preservation and  
Concerned Resident, Town of Shelby

----- Original Message -----

From: "David Bimber" <dlbimber@gw.dec.state.ny.us>  
To: "Wendi Pencille" <wpencile@rochester.rr.com>  
Sent: Thursday, August 17, 2006 8:53 AM  
Subject: Re: Fw: Scoping deadline issues

> Wendi: Your comments in the first paragraph regarding the need for a  
> hydrogeological study is appropriate and will be addressed in the  
> scope. I was the analyst on part of the Clarendon project, you are  
> welcome to come in to look at that file if you would like to review any  
> of the data or analyses that were conducted.

>

> Thank you for sending your comments

>

> Dave

>

>>>> "Wendi Pencille" <wpencile@rochester.rr.com> 08/16/06 4:37 PM >>>

> The following was sent to you one August 14th at 3:14 p.m., within the  
> time deadline for the scoping outline comment period. I'm writing to  
> make sure it has been included in the comments submitted for  
> consideration.

>

> Wendi Pencille  
> President, Citizens for Shelby Preservation and  
> Concerned Resident, Town of Shelby

>

> ----- Original Message -----

> From: Wendi Pencille

> To: David Bimber

> Cc: Gene Outterson ; Ken Printup ; Mike Fuller ; Steve Seitz Jr. ; Skip

> Draper

> Sent: Monday, August 14, 2006 3:14 PM

> Subject: Scoping deadline issues

>

>

> Mr. Bimber,

>

> I am writing to request that the permittee be required to have Flow  
> Modelling be performed by the US Geological Survey to determine  
> potential impacts of the quarry operation to the aquifer, groundwater  
> flow, and surrounding area. I am requesting this as a part of the



> comment period for the scoping process.  
>  
> I recently read the 38 page court decision regarding the problems  
> caused by the mine in the Town of Clarendon in Orleans County NY. In  
> the Matter of Aggregates New York Inc., Ruling on Issues and Party  
> Status Dated May 21, 2004, by Administrative Law Judge, P. Nicholas  
> Garlick.  
>  
> Regardless of how the town handled the case from a legal perspective,  
> the fact remains that the water over the town's historic waterfall was  
> impacted by the dewatering of the mine as determined in the decision.  
> Initially the Mining company was adamant that it was in no way  
> responsible for the loss of water over the falls (pg 5). However the  
> judge admitted that statements by the permittee did suggest a causal  
> effect between it's activities and the the reduction of water flow over  
> the falls (pg 6). The DEC performed an investigation utilizing aerial  
> photographs and several visits to the mining site and determined that  
> the mining activity could not have caused the the problems reported at  
> the falls (pg 6) and issued a permit to allow dewatering in the mine.  
> However, as soon as dewatering began, the flow of water over the falls  
> ceased. The DEC finally admitted, not only that the mining practices  
> were in fact responsible for the problem, but also that the DEC's own  
> environmental review did not foresee the problem and could not foresee  
> it. They finally concluded that further hydrogeological study was  
> required the study the impacts.  
>  
> If that happened in our case in the Town of Shelby, it wouldn't mean  
> losing a nice waterfalls. It could mean devastation to an extremely  
> sensitive habitat. The area of the proposed mine in the Town of Shelby  
> is so sensitive hydrogeologically that it would seem essential to the  
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> ties to the mining industry. And as evidenced in the case above, the  
> current DEC SEQRA process proved woefully inadequate to the task.  
>  
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> Ithaca, NY that represents our area. He informed me that the process  
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> according the the application, this would seem to be an extremely  
> reasonable amount of time to take to perform this critical analysis.  
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> I've also spoken with Steve Army, NYSDEC. Apparently he was the  
> responsible party with respect to this mining issue as well as the  
> decisions regarding remediation of the AKZO salt mine collapse south of  
> Rochester. We're concerned with the DEC's ability to objectively and  
> scientifically review the data collected by consultants paid for by the  
> mining industry permittees. History has shown that your review  
> processes have been inadequate in the past and we have more than a town  
> waterfall to protect here in the Town of Shelby.  
>  
> Sincerely,  
> Wendi Pencille  
> President, Citizens for Shelby Preservation and

> Concerned Resident, Town of Shelby  
>  
>  
> --  
> No virus found in this incoming message.  
> Checked by AVG Free Edition.  
> Version: 7.1.405 / Virus Database: 268.11.1/421 - Release Date: 8/16/2006  
>  
>

**CC:** "Gene Outterson" <outterson21@yahoo.com>, "Gerry Rising" <insrisg@buffalo.edu>, "Sue Senecah" <ssenecah@esf.edu>, "Skip Draper" <skipdraper@verizon.net>, "Steve Seitz Jr." <Steve@E-Zsellrealestate.com>, "Mike Fuller" <firedog657@wnyisp.com>, "Ken Printup" <unit3074@yahoo.com>, "Hawk Lady" <hawklady@gmail.com>

## ADDITIONAL COMMENTS REGARDING THE DEIS SCOPING OUTLINE

July 11, 2006

Re: Frontier Stone LLC - New Shelby Quarry  
DEC 8-3436-00033/00001 MLR 800823

The Draft Environmental Impact Statement Scoping Outline is insufficient.

- It fails to require significant attention to potential adverse effects on the area in the neighborhood including the extreme adverse effects proposed for use of land (invasive industrial as opposed to agricultural/residential) and fails to require sufficient focus on the adverse effects on quality of life of residents in the vicinity of the project.
- Further, the section entitled, "Human, Economic and Community Resources" states, "...Recent community survey results, to the extent they are applicable and statistically valid, will be utilized..." This section should be amended to require accumulation of sufficient statistics to afford a meaningful analysis as opposed to simply referencing "survey results" if they are deemed statistically valid.
- The scoping document fails to require a meaningful analysis of the cumulative effects of the enumerated areas of the investigation. The scoping document fails to require addressing of the creation of material conflict with the community's (the Town of Shelby) current plans or goals as officially approved or adopted, i.e. fails to address the potential for conflict with the Town's master plan, and its establishment of industrial areas as opposed to rural and farming areas.
- The scoping document also fails to require addressing of creation of hazards to human health and, in particular, health of nearby residents subjected to blasting, vibration, noise and traffic. Analysis should be contained relative to effect of a strip mine on the health of the inhabitants.

Please include these as issues to address as well. Thank you.

Sincerely,

Wendi Pencille  
Town of Shelby Resident

## Questions for meeting on quarry on 6/27:

- I'm sure there are lots of detail they would present on how they will mitigate various concerns but how will they mitigate the loss in real-estate value in the surrounding area?
- 
- I know there are 'test wells' in the plan but what will they do when the test wells go dry or are contaminated? What will they do when our wells go dry or are contaminated?
- 
- There are documented cases near other stone quarries where not only blasting, but heavy truck traffic have caused foundation problems for nearby homes. What can they possibly do to mitigate that and what will they do if someone's house needs repairs or is condemned due to cracking of the foundation?
- 
- It is well documented that the compressional seismic waves as well as the rayleigh or surface waves from the detonation of explosives can cause the swim bladder of finfish to rupture. It has also been known to cause rupture and hemorrhaging of the kidney, spleen, and sinus venous in finfish. Incubating fish eggs are also susceptible to damage by the seismic vibrations. Blasting this close to the wildlife refuge will certainly cause problems for the fish population.
- 
- Noise from blasting and from continuous sources like grinding and shipping have been shown to cause several problems for both local mammals and humans. While there may be steps they say they will take to reduce the noise issues, they cannot totally stop the noise or the affects of that noise. Above normal noise levels will affect animals in several ways:
  - **Masking:** Noise can mask communication signals that play a role in social cohesion, group activities, mating, warning, or individual identification. Noise can further interfere with environmental sounds that animals might listen to. Noise also affects the direction of sounds of predators and prey (Erbe and Farmer, 2000).
  - **Behaviorial Disturbance:** Noise has the potential of disrupting normal animal behavior. Reported animal reactions include a cessation of feeding, resting, socializing, and an onset of alertness or avoidance (Richardson et al., 1995).
  - **Hearing Impairment:** Repeated exposures to relatively low levels of noise may have a cumulative effect in inducing permanent hearing loss in mammals (as has been confirmed in humans and other species). Perhaps the most serious impact of noise is the debasement and depletion of habitat as animals are driven from their normal ranges by noise levels.
- 
- Quarrying operations will progressively remove one or more benches of rock, most likely advancing from close to the wildlife refuge and proceeding away toward the north and east. Depending on the cumulative height of the benches, the pit will act as a dug well which will draw down the water from the hills (or land) in the surrounding area. The extent of drawdown will depend on the rate of advance of the quarry face, level of the water table in reference to elevation of the bottom of the pit, and the conductivity of the rock. The conductivity of the rock would be enhanced by the effect of blasting. The drawdown of water will adversely affect the level of water table and the use of aquifers by the neighbors. The wells in the vicinity of the quarry may run dry and the base flow in the regional streams, such as Oak Orchard, may be reduced. The dust from blasting and grinding as well as the siltation (silting) carried by the drainage through the blasted rock will affect the quality of the groundwater.

4/27/04

2a2

To: a) N.Y.S.D.E.C., Div. Of Mining

b) Shelby Town Board

From: Wayne Dickinson, 5167 Posson Rd., Medina, NY 14103

Ph.-585-798-1288

Re: Proposed Stone Quarry-Between South Woods and Soursprings Rd.

T/Shelby, Orleans County

I am opposed to such a development. I give the following reasons: 1) The area will become an eye sore. The existing land is wide open fields and farm land adjacent to a federal wildlife refuge. Fletcher Chapel Rd. being higher in elevation allows you to look down onto the land. It's a nice scenic view with the geese landing on it in the Spring and Fall. With its low elevation this area is going to be very difficult to disguise with earthen mounding, etc. 2) I am very concerned about what negative affects may occur to local well water users as the excavation gets deeper and the owners have to pump away ground water. Not only can local residential wells go dry, but as the local water table is lowered the mineral content of well water can increase, making hard water even harder, for example. When a water table is lowered, wells start to draw from water that is deeper and farther away, thereby creating a potential to draw in contaminants from further away sources such as sewage disposal systems, barn yards, etc. 3) I am also concerned about any reclamation plan that may be mandated. I use Genesee Leroy Stone in Clarendon as an example of what I don't want in my Town: an incinerator ash disposal facility. Better to turn it into a small lake and stock it with fish.

If this quarry ends up being approved by the Town and DEC then please put some conditions on its development in order to protect the local residents. I make these suggestions: a) Make it a Permit condition that money be set aside in the form of a bond to be used to help those residents whose wells have become affected by the project. If the owners were made to set aside \$100,000 a year, then ten years down the road when the quarry is deeper, there might be enough money to extend the existing public water main in the area to those roads that don't have public water, should people's wells start to go dry or diminish in quality. b) Make it a Permit condition that the applicants develop a well water quality plan. To include routine and background sampling of local residential wells for mineral content such as calcium hardness, magnesium hardness, sulphate, iron, and also bacteriological quality (coliform/fecal coliform bacteria). Develop some monitoring wells in the area of the quarry and do routine static water levels of these wells and local residential wells to look for trends in water quality and quantity changes. Actually anticipate a problem before it happens. c) Require that the reclamation plan be such that it benefits the area as a recreation, hunting, fishing, hiking resource and not to be used as a landfill of any type. d) Make it a condition that they take certain measures to try to disguise the site with well groomed earthen mounds, quick growing trees, etc.

Thanks For Your Consideration

This proposed stone quarry will have a negative & adverse effect on the Iroquois Wildlife Refuge.

1. Blasting will effect ducks, geese, an other wildlife such as the bald eagle, turkey, deer & owls. It will have an adverse effect to fish in the ponds.
2. Water level in the refuge could be changed or polluted by washing operations
3. Noise level will effect nesting water fowl & other birds in the refuge & area. Noise level will effect area residents and change the quality of country life
4. Fields are used in the spring & fall for migratory birds resting & feeding
5. There are areas within the refuge used by people and organizations who want to use a nature trail, with blasting going on & loud noises from equipment and machinery these trails/areas will be disturbed.
6. Air bourn dust can cause adverse effect to the water and cause feeding problems and sediment problems
7. Air bourn dust can threaten the respiratory health of area residents and emissions from diesel engines on a daily bases (human and animal alike). May cause a resident to limit outside activity for health reasons
8. Increase truck traffic on nearby roads will increase and cause a negative effect to the area & residents, smaller trucks will use existing roads and not truck routes
9. Blasting can cause damage to home foundations, older & newer ones. Could also cause structure damage to homes & buildings from vibration
10. Diminishing the quantity & quality of ground water available to nearby wells by lowering the water table, loss of recharge areas, fractures, faults and other water bearing features
11. Property values will be diminished due to the character of an industrial area.

Have talked to 2 local realtors & they said the value of home would be reduced by as much as 20% & cause difficulty in trying to sell property

12. A local resident has property for sale & have had problems selling their home. When a prospective buyer finds out about a proposed stone quarry they walk away with no intention of buying the property

13. 269 acres of agricultural land will be removed from farm production & will never be returned to workable farm land.

14. Ag/Residential District is for the purpose to protect agricultural lands & uses from incompatible uses & development, maintain open rural character of the community & to protect the rural environment. This stone quarry will not adhere to these values. The tranquility of the neighborhood will be reduced as it is as present and loss of green space

15. Could effect area ponds, streams in the Oak Orchard Water Shed

16. There are already 4 operating stone quarry's in Orleans County and have all the stone needed for years to come

17. This proposed stone quarry will not benefit the Town of Shelby or Orleans County

18. The only people to benefit will be the property owners & family and the operator/owners of the stone quarry

19. This will have a negative effect to the Iroquois Job Corps and their teaching facility on Tibbits Rd

20. I am sure the owners have heard all of these concerns before. Open all your books & show us how you have resolved each & every problem & complaint brought before you of your previous operations. Give us a list of all complaints. Also give us the names & addresses of every person who had a problem or complaint. Give us the specific resolution of everything you have done

21. Finally remember that the NY State DEC is a state agency which is founded and paid by the taxpayers of New York State and is to protect us and the environment today and for years to come. Dated 6/27/2006

## **Environmental Problems with proposed quarry**

### **Impact of Noise on Marine Mammals**

- Masking communication signals (social cohesion of various species)
- Behavioral Disturbance (foraging, mating, nursing)
- Blasting in excess of 120 decibels
- Permanent Hearing Impairment (especially in nesting areas)

### **Water Pollution/ Toxic Explosive residues**

- Unexploded material left over from blasting  
(The explosive residue will enter the surface and groundwater through gravity flow and washing of the aggregate.)
- Contaminated groundwater/ lower water table
- Siltation effects fish habitat
- High turbidity disrupts the food chain (migratory birds ARE included)**
- Base flow of regional waterways will be reduced (last time I checked there is a large amount of water located nearby.)
- Where will the wastewater go?

sources: (1) Mining-Civil Engineer, Sandy Cove, Digby County, NS, Canada  
(2) Fisherman, Whale Cove, Digby County, NS, Canada  
(3) Geotechnical Engineer, Golder Associates S.r.l, Turin, Italy



Mining and quarrying can cause considerable harm to nearby residents and the environment. Frontier can tell us all about the technological advances that have reduced mining impacts, but the negative effects are by no means eliminated. Plus the impact reduction technology they are talking about is by no means foolproof much less universally applied.

- HOW WILL YOU GUARANTEE THERE WILL BE NO NEGATIVE IMPACTS?

The DEC should deny this mining permit because it is in a poorly chosen area with respect to residential homes, wells, and the wetland habitat of the adjacent National Wildlife Refuge. It doesn't belong in this location for many reasons.

Allowing a stone quarry to be built in this area will reduce housing values by the noise, loss of view shed, by imposing an industrial character to the area, and by the associated increased truck traffic. The tranquil nature of the neighborhood will be destroyed by the noise emitted by the blasting, truck traffic, crushing operations, and excavation equipment. We've already heard about people not wanting to buy property when they know a quarry may be coming to the area.

- HOW WILL YOU GUARANTEE HOUSING VALUES WILL NOT BE REDUCED?
- HOW WILL YOU GUARANTEE THERE WILL BE NO NOISE IMPACT ON THE COMMUNITY?
- HOW WILL YOU GUARANTEE PEOPLE WILL BE ABLE TO GET A FAIR MARKET, PRE QUARRY, VALUE FOR THEIR HOMES SHOULD THEY DECIDE TO SELL?

And in the case of the habitat of the Endangered Species Short Eared Owl and other wildlife in the refuge, you'll have residents who can't speak for themselves.

- HOW WILL YOU GUARANTEE WE WILL NOT LOSE ENDANGERED SPECIES, SHORT EARED OWL HABITAT?

The increased truck traffic will also negatively affect air quality. It will be degraded by the diesel fumes and dust. Just because the fumes get diluted as they blow away from the site doesn't mean there is no harm. This threatens the respiratory health of the neighbors in the area as well as the wildlife. Prevailing winds should not be a factor in allowing such a project until you can control the prevailing winds.

- HOW WILL YOU GUARANTEE THERE WILL BE NO NEGATIVE EFFECT ON AIR QUALITY?
- HOW WILL YOU GUARANTEE THERE WILL BE NO DUST FROM THE QUARRY BILLOWING THROUGHOUT THE AREA?

Home foundations will be at risk from the blasting operations and heavy truck traffic on the nearby roads.

- HOW WILL YOU GUARANTEE THERE WILL BE NO DAMAGE TO NEARBY HOMES?
- WHO WILL BE RESPONSIBLE FOR DETERMINING WHAT CAUSED DAMAGE TO NEARBY HOMES? RESIDENTS SHOULD NOT HAVE TO PAY TO PROVE THE QUARRY CAUSED THE DAMAGE.
- WHO WILL PAY FOR THE DAMAGE?

**Wells will be at risk.** The quantity and quality of ground water is at risk every time the rock is fractured by blasting, through a loss of recharge areas, lowering of the water table by the pit excavation and by other blasting effects.

- HOW WILL YOU GUARANTEE THAT AREA WELLS WILL NOT BE NEGATIVELY AFFECTED BY THE QUARRY?
- WHO WILL PAY TO PROVIDE WATER TO THESE HOMES ONCE THE WELLS ARE DAMAGED? WATER COST TO THESE RESIDENTS IS NEGLIGIBLE RIGHT NOW. THEY SHOULDN'T HAVE TO PAY FOR WATER IN THE FUTURE WHEN THE QUARRY AFFECTS THEIR WELLS.
- WHO WILL BE RESPONSIBLE FOR DETERMINING WHAT CAUSED DAMAGE TO THE WELLS? AGAIN, RESIDENTS SHOULD NOT HAVE TO PAY TO PROVE THE QUARRY CAUSED THE DAMAGE. THIS WOULDN'T BE AN ISSUE WITHOUT THE QUARRY AND RESIDENTS SHOULD NOT HAVE TO PAY ANY COSTS ASSOCIATED WITH THE QUARRY IMPOSED ON THEM.

**The increase in truck traffic is not only detrimental to the residential areas surrounding the mine, but to the National Wildlife Refuge as well.** Just because you can repair roads doesn't mean it's going to have no negative effect on the refuge. The additional truck traffic and the additional impacts of having to resurface and repair the roads through the refuge more often will also have a negative impact. Recently a truck delivering molten tar to LaFarge's quarry in Lockport overturned spilling hundreds of gallons of tar. If it hadn't been stopped by a passing motorist there could have been thousands of gallons of tar spilled. Imagine that happening in the refuge. It's unthinkable that the DEC would allow the added risk.

- HOW WILL YOU GUARANTEE THERE WILL BE NO SPILLS OF THIS KIND IN THE REFUGE AND SURROUNDING AREA?
- HOW WILL YOU GUARANTEE THERE WILL BE NO NEGATIVE IMPACT TO THE REFUGE DUE TO THE INCREASED TRAFFIC, AND RESURFACING OF ROADS?

**The operation of a quarry on this location will result in the loss of habitat for the Endangered Species Short Eared Owl.** I have served on the Board of Directors for the New York State Wildlife Rehabilitation Council and graduated from Cornell University with a degree in animal science. I have been a wildlife rehabilitator for 18 years specializing in raptors. 13 of those years have been here in the Town of Shelby. In the 13 years I have lived in Shelby I received three Short Eared Owls for rehabilitation. All of them have come from the area immediately north of the refuge off of Fletcher Chapel Road. This bird only nests in four states and we're lucky enough to have them right here in our community. The effects of blasting, elimination of habitat and disruption of the surrounding habitat on this bird could be disastrous. Studies on the effects of blasting on wildlife have been conducted with respect to tree nesting birds. The Short Eared Owl nests on the ground. We're lucky enough to be some of the few people in the country who will ever be able to see these magnificent birds in their native habitat. Allowing this project in this sensitive area is unthinkable. How do you mitigate this?

- HOW DO YOU GUARANTEE THAT THE EFFECTS OF BLASTING AND HABITAT LOSS WILL NOT AFFECT THIS ENDANGERED BIRD?

**In summary, we don't want the effects of quarry operation mitigated, we want them eliminated. We understand that the DEC does not routinely turn down permits of this type, but the situation here is very different, with a populated residential area and an extremely sensitive wildlife habitat. Mitigation isn't enough when you're talking about quality of life for people living in the immediate area, endangered species habitat, and a pristine National Wildlife Refuge next door. Also, if you allow this permit you will be letting the state and the country know that an Endangered Species distinction in New York State is not worth the paper it is written on.**

**To: Dave Bimber  
N.Y.S. Department of  
Environmental Conservation**

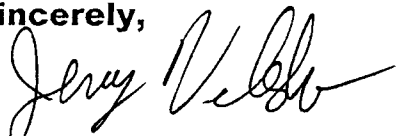
**From: Jerry Velesko  
10375 Maple Ridge Rd.  
Middleport, New York 14105  
Town of Shelby**

**I totally support the application of Frontier Stone, LLC, for the proposed quarry operation in the town of Shelby.**

**Benefits to the community are substantial, which include, job creation, tax base assessments, contributions to local charities, sales and use taxes, and owner-operator delivery services are a few examples.**

**Clearly a balance must be developed where by industry can supply the existing aggregate resources within the community in an environmentally responsible manner.**

**Sincerely,**



**Jerry Velesko**

To: Department of Environmental Conservation  
6274 East Avon-Lima Rd.  
Avon, NY  
CC: Town of Shelby Supervisor(Mr. Draper)

This letter is in relation to the proposed mining operation to be located on Fletcher Chapel Road in the town of Shelby.

My family and I live on Johnson Road in the Southwest corner of the town of Shelby, Orleans County and at the present time and I believe not in my lifetime, will see a county water line in front of my house. We are on a drilled well at a depth of sixty-three feet and depend on this well for all our water supply.

We already have two mining operations going on in the town that I am aware of and others in the county and I constantly worry about our well coming up dry one day due to the sand and gravel pits. I also worry about a problem with sulfur showing up in the water. As in the case of Sherkston quarry in Canada, the mine can fill with water over night. If anyone has doubts, SCUBA dive into that quarry and see the equipment left there because the water came in before they could remove the equipment.

Another concern is what is to become of these quarries after they have been mined out. Will they become landfills as has happened in the town of Lockport? We are not leaving our children with a clean environment when we constantly build landfills and stone quarries.

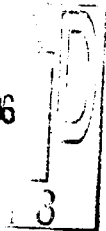
All that being said, are we going to turn the refuge into a desolate piece of land when all the wildlife move out due to the noise, dust and truck traffic?

I am strongly opposed to the addition of another dusty, noisy and potentially damaging situation to our well water system.

Thank you for your time

*Joseph A. Grabowski*  
Joseph A. Grabowski  
10337 Johnson Rd.  
Middleport, N.Y. 14105(Orleans County Town of Shelby)

JUL - 6 2006



RECEIVED

JUL 06 2006

DIVISION OF  
MINERAL RESOURCES

