

New York State Department of Environmental Conservation
Environmental Permits, Region 8
6274 East Avon-Lima Rd, Avon NY 14414-9516
Phone: (585) 226-5400 • Fax: (585) 226-2830
Website: www.dec.ny.gov



Joe Martens
Commissioner

November 15, 2013

Via e-mail (hellert@continentalplacer.com) and U.S. Mail

John R. Hellert, Senior Geologist
Continental Placer Inc.
11 Winner's Circle
Albany, New York 12205

Re: Frontier Stone LLC, Proposed Shelby Quarry
Town of Shelby, Orleans County
DEC Application No. 8-3436-00033/00001

Dear Mr. Hellert:


Leo Bracci, Dudley Loew, and I appreciated the opportunity to speak with you and Kevin Brown Thursday afternoon, November 14th, about the public notice process anticipated for the Draft Environmental Impact Statement (DEIS) for the above-referenced project. As discussed, once the Department formally accepts the DEIS, it is our intent to provide a written comment period and legislative public hearing on the DEIS and permit application documents in accordance with the requirements in the Uniform Procedures Act regulations (6 NYCRR Part 621) and the State Environmental Quality Review Act regulations (6 NYCRR Part 617) ("Part 617").

After the close of the public comment period and hearing, the Department will be obligated to evaluate the comments received and make a further determination whether to conduct an adjudicatory hearing pursuant to 6 NYCRR Part 624 ("Part 624"). To enable the Department sufficient time to adequately evaluate public comments and make an informed decision regarding the need for a Part 624 hearing, we respectfully request your client's consent to extend the time frames in 6 NYCRR § 621.8 for the Department's decision to hold a Part 624 adjudicatory hearing to 60 days after the Department's receipt of the transcript for the DEIS/Part 617 legislative hearing. In addition, in the event that a Part 624 hearing is not required, we request your client's consent that the time frames for preparation of the Final EIS in SEQR also be extended accordingly to 105 days after the close of the legislative hearing, or until the time provided for in 6 NYCRR § 617.9(a)(5)(ii).

While we understand and appreciate that you and Mr. Brown conveyed your agreement to the above extensions during our telephone conference of November 14th, your client's consent as the applicant is requested by providing their countersignature on page 2 of this letter. Once countersigned, please have a copy with the original signature returned to me at the address above.

If you have any questions about this request please call me at (585) 256-5382. We look forward to your response.

Sincerely,


Scott E. Sheeley
Regional Permit Administrator

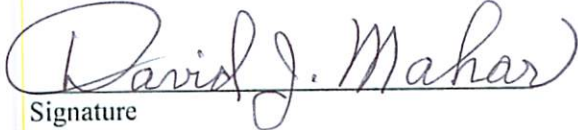
Distribution List Attached

Distribution:

Cc: Frontier Stone, LLC
Ecc: Leo Bracci, DEC Region 8
Dudley Loew, DEC Region 8
Steve Army, DEC Region 8
Kevin Brown, Esq.
Greg Brown, Esq.

Uniform Procedures and SEQR Time Frame Extension

By signing below, Frontier Stone, LLC hereby consents to the extension of the Part 624 hearing determination date established in NYS Uniform Procedures Act (UPA) regulations (6 NYCRR § 621.8) to 60 days following the Department's receipt of the transcript from the public hearing on the Draft EIS, and a commensurate extension of all subsequent UPA time frames associated with, but not limited to, final decisions, related to its current permit applications for the proposed Shelby Quarry (DEC Application No. 8-3436-00033/00001). In addition, in the event staff determines that a Part 624 hearing is not required, Frontier Stone, LLC consents that the time frames for preparation of the Final EIS be extended accordingly to 105 days after the receipt of the transcript from the public hearing on the Draft EIS, or until the time provided for in 6 NYCRR § 617.9(a)(5)(ii).


Signature

11-18-13
Date

DAVID J. MAHAR, MGR
Name (print)/Title

For

Frontier Stone, LLC

