

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 28, 2014

Via E-mail (mahartz43@aol.com) and
Certified Mail RRR #7013 1090 0002 3221 8696

David J. Mahar, President
Frontier Stone, LLC
4172 East Lake Road
Wilson, New York 14172

**RE: Combined Notice of Complete Application, Notice of Acceptance of a Draft
Environmental Impact Statement and Notice of Public Hearing**
DEC #8-3436-00033/000001
Frontier Stone Quarry
Town of Shelby, Orleans County

Dear Mr. Mahar:

The New York State Department of Environmental Conservation, as Lead Agency, has issued a combined Notice of Complete Application, Acceptance and Availability of a Draft Environmental Impact Statement (Draft EIS), and Notice of Hearing for the above-referenced project (copies enclosed).

The complete applications and Draft EIS will be available for public review and comment until May 12, 2014. A legislative public hearing will be conducted pursuant to 6 NYCRR Part 621 and Part 617 to receive additional comments on the permit applications and Draft EIS. The hearing will be held at 6:00 PM on Wednesday, April 30, 2014 at the Shelby Town Hall, Medina, NY.

In preparation for the hearing please undertake the following:

1. Enclosed is a Notice of Complete Application, Availability of a draft Environmental Impact Statement, and Notice of SEQR Hearing which you are to have published in the:

The Daily News
2 Apollo Drive
Batavia, New York 14020
Phone: (585) 343-8000
Fax: (585) 343-2623

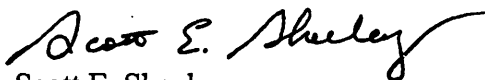
once during the week of March 31, 2014 on any day Monday through Friday. All material printed in the notice between the double solid lines must be published.

2. Please request that the newspaper publisher provide you with a Proof of Publication for the Notice. Prior to or at the hearing, please provide the Department with an original affidavit of publication from the newspaper as proof that the enclosed hearing notice was duly published.
3. At this time, please also post the Draft EIS on the website indicated in the notice (<http://www.continentalplacer.com>). Attached is an updated Draft EIS cover page containing the relevant acceptance date, hearing date, and deadline for written public comments. Please ensure that the updated cover page is inserted into the electronic copy of the file being posted on-line. Once posted on-line, the Draft EIS must remain posted until a Final EIS is accepted and posted.
4. A verbatim transcript of the SEQR Hearing is required. You must arrange to have a certified reporter take the stenographic record of the hearing and are responsible for the cost of these services. Additionally, you are responsible for the copy of the transcript. The Department will require the original, four copies and an electronic copy of the transcript.
5. You may also be required to provide interpreter services for deaf persons attending the hearing, if requested. Citizen requests for an interpreter must be made to the Department at least 10 business days before the hearing. I will let you know at the earliest possible time if a request has been made.

Please contact me at 585-226-5382, or by email at sesheele@gw.dec.state.ny.us, if you have any questions relating to the status of this application or the information contained in this letter.

Thank you.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Enclosures: Notice of Complete Application, Acceptance of a Draft EIS, and Public Hearing
Updated Draft EIS Cover Page

Cc: (all w/enclosures)
Molly McBride, ALJ, Office of Hearings and Mediation Services
Steve Army, DEC Region 8
Dudley Loew, DEC Region 8
John Hellert, Continental Placer Inc. (via e-mail: hellert@continentalplacer.com)
Greg Brown, Esq. (via e-mail: gbrown@bplaw.us.com)
Kevin Brown, Esq. (via e-mail: kevin.brown@brownsharlowlaw.com)
File

**DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR A MINED LAND USE PLAN MINING PERMIT
TOWN OF SHELBY
ORLEANS COUNTY, NEW YORK**

**PROJECT SPONSOR
FRONTIER STONE, LLC
4172 EAST LAKE ROAD
WILSON, NEW YORK 14172**

**CONTACT PERSON
DAVID J. MAHAR, PRESIDENT
FRONTIER STONE, LLC
4172 East Lake Road
Wilson, New York 14172
Phone: (716) 751-9670
Fax: (716) 751-9670
Email: mahartz43@aol.com**

**LEAD AGENCY
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
6274 EAST AVON-LIMA ROAD
AVON, NEW YORK 14414-9519**

**CONTACT PERSON
SCOTT E. SHEELEY
REGIONAL PERMIT ADMINISTRATOR
DIVISION OF ENVIRONMENTAL PERMITS, REGION 8
PHONE: (585) 226-5382
FAX: (585) 226-2830
Email: sesheelee@gw.dec.state.ny.us**

**INVOLVED AGENCY
Town of Shelby
4062 Salt Works Rd
Medina, NY 14103**

**PREPARED BY
CONTINENTAL PLACER INC.
II Winners Circle
ALBANY, NEW YORK 12205**

**CONTACT PERSON
JOHN R. HELLERT, SENIOR GEOLOGIST
PHONE: (518) 458-9203
FAX: (518) 458-9206
Email: hellert@continentalplacer.com**

DATE OF ACCEPTANCE: March 28, 2014
DATE OF PUBLIC HEARING: APRIL 30, 2014 - 6:00 P.M. SHELBY TOWN HALL
DEADLINE FOR COMMENTS: May 12, 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**COMBINED NOTICE OF COMPLETE APPLICATION,
NOTICE OF ACCEPTANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT,
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

DATE: March 28, 2014

APPLICANT: Frontier Stone, LLC
4172 East Lake Road
Wilson, New York 14172

NYSDEC APPLICATIONS AND ID NUMBERS:

Article 23, Mined Land Reclamation, DEC # 8-3436-00033/00001
Article 15, Water Withdrawal, DEC # 8-3436-00033/00002

PROJECT DESCRIPTION:

The applicant proposes a new, 215.5± acre dolomite/limestone quarry on a 269.45± acre parcel located in the Town of Shelby, Orleans County about 3.7 miles south of the Village of Medina. The property is on the south side of Fletcher Chapel Road about several hundred feet east of Sour Springs Road. A small portion of the site also fronts Sour Springs Road. The excavation area totals 172.2± acres and mining would be divided into four (4) phases over the estimated 75 year operational life of the mine. Quarrying would be conducted by standard drill and blast technology with front-end loaders and excavators feeding a primary crusher with shot rock. The primary crusher will follow the advancing face and rock would be conveyed to an on-site processing plant by field conveyor. Mining is proposed below the water table and the project includes dewatering of the quarry area. As proposed, the estimated maximum water withdrawal for mine dewatering is 554,264 gallons per day, which would be discharged at the southwest corner of the site to an existing agricultural drainage ditch. The reclamation objective will be to create open space with two lakes for recreation and/or wildlife habitat. The two lakes, separated by an existing utility line, would be approximately 35.2 and 156.1 acres in size.

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR"):

The project is a Type I Action as designated by 6 NYCRR §617.4(b)(6)(i). DEC, as the SEQR lead agency, issued a positive declaration on June 7, 2006 requiring preparation of a Draft Environmental Impact Statement (Draft EIS). A Draft EIS has been prepared and the DEC, as lead agency, has determined that the Draft EIS is adequate for public review and comment. As noted further below, **written public comments will be accepted on the Draft EIS until May 12, 2014.** In addition, pursuant to 6 NYCRR §617.9(a)(4), DEC has made the determination to hold a public hearing, the details of which are provided below in the legislative public hearing section of this notice.

NOTICE OF COMPLETE APPLICATION:

The DEC has determined that permit applications filed for the proposal are complete for purposes of further DEC review and public comment pursuant to 6 NYCRR §621.7. DEC permit jurisdiction includes Mined Land Reclamation (ECL Article 23) and Water Withdrawal (ECL Article 15). As noted further below, **written public comments will be accepted on the**

applications until May 12, 2014. In addition, the applicant will seek coverage under the State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (ECL Article 17). The applicant also anticipates the need to file an Air Registration (ECL Article 19) and possibly Petroleum Bulk Storage registration (ECL Article 17).

ADDITIONAL REGULATORY PROVISIONS:

State Historic Preservation Act ("SHPA") Determination: A Phase IA cultural resources survey has been completed for the entire project area, and a Phase IB cultural resources survey was completed for proposed mining phases 1 and 4 (the first two phases to be developed). Based on a review of the Phase 1B survey by the New York State Office of Parks Recreation & Historic Preservation (OPRHP), mining phases 1 and 4 will have no impact on cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. In accordance with SHPA, no further review is required for mining phases 1 and 4. Prior to any development of mining phases 2 and 3, an additional Phase 1B cultural resources survey will be required for those areas and further consultation with OPRHP will be undertaken.

Coastal Zone Management: This project is not located in a Coastal Management Area and, therefore, is not subject to the Waterfront Revitalization and Coastal Resources Act.

DOCUMENT AVAILABILITY: The Draft EIS, which includes permit application materials are available for public review at the locations listed below during normal business hours, and on the internet at the following website:

NYS DEC, Region 8 Office
6274 E. Avon-Lima Road
Avon, NY 14414-9519

Town of Shelby Town Hall
4062 Salt Works Road
Medina, New York 14103

Lee-Whedon Memorial Library
620 West Avenue
Medina, New York 14103

On-line for viewing and downloading at:
www.continentalplacer.com

LEGISLATIVE PUBLIC HEARING: A legislative hearing on the permit applications and the Draft EIS will be held before Administrative Law Judge (ALJ) Molly McBride to receive unsworn statements from the public at 6:00 p.m. on Wednesday, April 30, 2014 at the Town of Shelby Town Hall, 4062 Salt Works Road, Medina, New York, 14103. All persons, organizations, corporations or government agencies that may be affected by the proposed project are invited to attend the legislative hearing and to submit oral comments on the Draft EIS, applications and draft permits. No prior filing is required to participate. However, the ALJ may restrict the time available to 5 minutes for each person, to ensure that all persons will have an opportunity to be heard. It is recommended that lengthy comments be submitted in writing at the hearing. Written comments regarding this application may also be filed with Regional Permit Administrator at the hearing, or as indicated below. Equal weight will be given to both oral and written comments. The hearing location is fully accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, at no charge, upon written request to the ALJ identified above, at least ten (10) business days prior to the hearing.

WRITTEN PUBLIC COMMENTS: All interested parties may submit written comment concerning the Draft EIS and permit applications at the hearing, and to the DEC Contact Person listed below by May 12, 2014. Comments sent by regular mail must be postmarked no later than May 12, 2014. E-mail and Fax comments must be received by 5:00 p.m. (EDT), May 12, 2014.

DEC CONTACT PERSON: Scott E. Sheeley, Regional Permit Administrator, DEC Region 8, 6274 Avon-Lima Road, Avon, New York 14414-9519, Phone: 585-226-5382, Fax: 585-226-2830, E-mail: frontierstone@gw.dec.state.ny.us

Scott Sheeley - Frontier Stone - Notice of Acceptance of DEIS, Complete Application, and Public Hearing

From: Scott Sheeley
To: mahartz43@aol.com
Date: 3/28/2014 8:27 AM
Subject: Frontier Stone - Notice of Acceptance of DEIS, Complete Application, and Public Hearing
CC: Army, Steve; Loew, Dudley; McBride, Molly; gbrown@bplaw.os.com; hell...
Attachments: 343600033 DEIS Acceptance to applicant.pdf; DEISCoverPagewAcceptanceDate.pdf; 343600033DEISNoticeNewspaper.pdf

To: David Mahar, President, Frontier Stone, LLC

Dear Mr. Mahar,

Please find attached the Department's letter dated March 28, 2014 regarding the above. In addition, attached are the public notice and the updated Draft EIS cover page referenced in the letter. A hard copy will follow by certified mail. Others listed on the distribution list, and copied on this e-mail transmittal, will only receive the electronic copies.

I will be further circulating the necessary notifications to the Environmental Notice Bulletin and SEQR Involved/Interested Agencies. In addition, we will be delivering copies of the Draft EIS documents to the SEQR repositories.

If you have any questions concerning the instructions contained in our letter or about the attachments, please let me know.

Sincerely,

Scott E. Sheeley, Regional Permit Administrator
NYSDEC Region 8
6274 E. Avon-Lima Road
Avon, NY 14414-9519

ph. (585) 226-5382
fax (585) 226-2830
e-mail: sesheelee@gw.dec.state.ny.us