

(B1)
pg 1/1frontierstone - DRAFT EIS

From: "Sue Barth" <sue@nsytes.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/16/2014 7:33 AM
Subject: DRAFT EIS

TO: Scott E. Sheeley
NYS DEC - Region 8 Office

FROM: Sue Barth
7214 Ellicott Rd.
Orchard Park, NY 14127
716-474-3657

Dear Scott,

I am writing to express my dismay and concern over the proposed 215.5+ acre limestone quarry that is being considered near the Iroquois National Wildlife Refuge (INWR). I can only imagine what it will do to the precious wildlife that is either residing on or near that property.

My concern stems from the dwindling amount of habitat left for wildlife. Every day, I see new building projects, mowing and bulldozing down of habitat and the corresponding statistics that are published each year regarding thousands of different species that are struggling to exist and their decreasing numbers due to habitat loss.

The INWR is one of the few areas in our region that gives some protection and provides nesting and habitat for resident species and pit stops for resting and refueling for migrating species. Allowing this quarry at this location will jeopardize all that the refuge is trying to do.

At some point, somewhere, sometime, humanity is going to realize it has to stop its greedy encroachment. Every day, we're eating up each little nook and cranny and I feel we must curb our insatiable appetite in order to leave something for our children and our children's children to enjoy.

I implore you to PLEASE stop this horrible project from going any further. It's probably a pipe dream, but perhaps this property could be purchased as an addition to the refuge by special donation projects and fundraisers. What a nice legacy the owner could have by having it named after his family!

Thank you for the opportunity to express my huge concern over this proposal,
~ Sue Barth

Sue Barth
C: 716-474-3657
Websites: <http://www.nsytes.com> | <http://www.chirpsandcheeps.com>
Professional Profile: <http://www.linkedin.com/in/suebarth>
nSytes on Facebook: <http://www.facebook.com/nSytes>

B2
pg 1/1frontierstone - Oppose 215 Acre Quarry

From: "Meier, Scott" <stmeier@buffalo.edu>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/16/2014 8:38 PM
Subject: Oppose 215 Acre Quarry

Please accept this email as a comment opposed to the proposed 215 acre quarry near the Iroquois NWR. This is too close to the NWR and potentially endangers the water there.

Thank you,

Scott T. Meier, Ph.D.
80 Londonderry Ln
Getzville, NY 14068

B3
P511

From: Judith Slein <jslein@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/17/2014 11:07 AM
Subject: Frontier Stone application for quarry permit

I am writing to ask to you deny Frontier Stone's application for a permit to establish a quarry adjacent to the Iroquois National Wildlife Refuge.

The refuge is an important migratory stopover site for waterfowl, with marshes as close as 1/8 mile to the proposed quarry site. Any activity that could frighten waterfowl away from this area, or impact the water levels in the marshes, should be prohibited.

The area is also important for raptors, including the Short-Eared Owl, which is endangered in New York state. These raptors typically need undisturbed open wetlands and meadows, and could also be adversely impacted by a working quarry so close to the refuge.

Judith Slein
96 Fairlea Drive
Rochester, NY 14622

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Pg 1/1

frontierstone - opposed to quarry project

From: Seaghan Coleman <seaghanc@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/19/2014 9:12 PM
Subject: opposed to quarry project

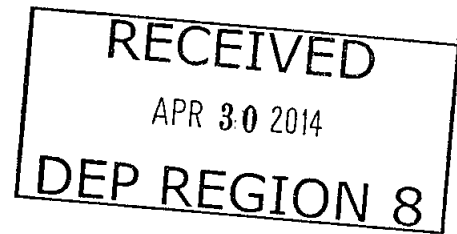
Hello,

I am very strongly opposed to the proposed quarry adjacent to the INWR. I believe that this operation could create very serious problems for Iroquois NWR. It is very close and could drain off water from the refuge pools and once that started remediation would be impossible.

INWR is a precious environmental resource for NY and its wildlife. The loss of this resource would be incalculable.

Seaghan Coleman
Buffalo, NY

Scott E. Sheeley
NYS DEC - Region 8 Office
6274 Avon-Lima Road
Avon, NY 14414-9519
Wednesday, April 23, 2014



B5
pg 1/1

Dear Mr. Sheeley;

I am moved to write to you regarding the proposed Frontier Stone quarry in Shelby, New York. While I am in favor of appropriate development and the positive contribution that a successful business can have on the tax rolls I must question the logic of this particular quarry proposal.

Taken directly from the DEC website, the stated mission of the New York State Department of Environmental Conservation is, "To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being." I fail to see how the DEC's review of the proposed stone quarry can possibly, by any stretch of legal jiu jitsu, be justified when viewed through the lens of this noble mandate.

Taken together the Iroquois National Wildlife Refuge, the two Wildlife Management Areas adjacent to it (Oak Orchard and Tonawanda), Oak Orchard Creek, and the surrounding ponds and marshlands, all afford the public an outstanding opportunity to actively participate in a number of outdoor activities that are encouraged and regulated by the DEC. The public has responded to this opportunity with obvious enthusiasm. The irreversible risk that this quarry would pose to the area's water table must surely be glaringly evident. A disruption would be an evil genie that would not be going back into the lamp. Therefore I am requesting the DEC to order a Delineation of the entire parcel under consideration.

"DEC's goal is to achieve (it's) mission through the simultaneous pursuit of environmental quality, public health, economic prosperity and social well-being, including environmental justice and the empowerment of individuals to participate in environmental decisions that affect their lives."

Nearly 10 years ago, both the DEC, the Shelby community, and the wider community at large rejected Frontier Stone's DEIS. Now it has sprung back to life, like the vampire project that it is. I urge you to reject this proposal once again and for good, on the strength of your department's stated mission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Landau". The signature is fluid and cursive, with a long horizontal line extending from the end.

Jim Landau
9195 State Road
Colden, NY 14033

CC: Merle Draper, Supervisor, Town of Shelby



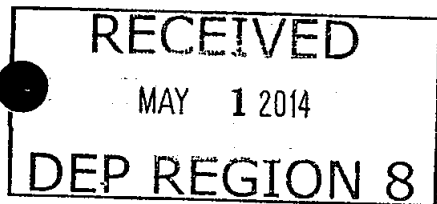
Ble
P5/11

Dear Scotty,

As a homeowner in the town of
East Shelby, I'm writing my opposition
to the quarry site at the border of
The Frogmen war.

Thank You,

Thomas Balcerak DDS

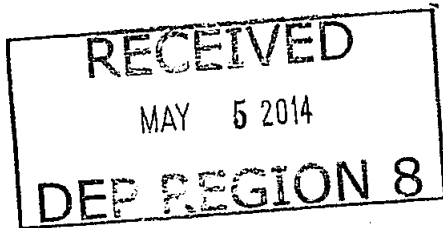


Advantage Dentistry

2887 Elmwood Ave

Lenmore, NY 14217

0057 004

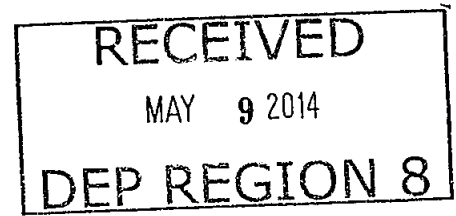


(B1)
705 NEWPORT-GILBY RD
NEWPORT, NY 13416
4/29/14 pg 1/1

Dear Mr. Shelly,

Just adding my name to
those who are against the
proposed Stone Quarry.

Having a quarry next to
the Oreganus Natl Wildlife
Refuge is ill conceived!
There is too much of a
threat to the environment
and wildlife. Respectfully,
Donna M. Seel



April 30, 2014

Dear Mr. Scott Sheeley:

My name is Ellen Bacon. My husband and I have lived on Fletcher Chapel Road for over 30 years and I have lived in the same area for most of my life. Our son and his family bought and live in the house my parents built just down the road on Fletcher Chapel as well.

I am absolutely opposed to the quarry coming to our neighborhood. The blasting could certainly have a negative impact on our foundation of our older home. Also, the noise and dust of countless heavy trucks would surely alter the peace and quiet we currently enjoy and also lead to constant highway construction.

I am also quite worried about the unfavorable effect the quarry would have on the Wildlife Refuge which is a great asset to the area. In short, the quarry would have a definite negative impact on the quality of our lives for generations to come.

Sincerely,

Ellen Bacon -

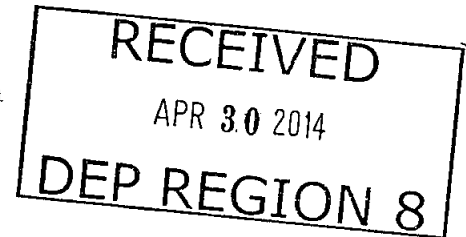


Ellen Bacon
11947 Fletcher Chapel Rd.
Medina, NY 14103-9798

4795 Bigford Road
Medina, NY 14103
April 30, 2014

BA
pg 112

Mr. Joseph Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-0001



Dear Mr. Martens:

We are writing in regard to the pending permit application filed by Frontier Stone to operate a quarry on Fletcher Chapel Road in the town of Shelby, Orleans County. We are not in favor of this permit being granted for a number of reasons, the most significant of which are outlined below.

Many of us in the immediate proximity of the proposed quarry site depend on private wells for our water supply. Allowing a quarry in this area would very likely endanger the quantity and quality of water in our wells. Previous studies by the US Geological Survey indicate that the cone of depression created by a quarry of this size could extend over a very large area.

The Iroquois National Wildlife Refuge is situated almost immediately south of the proposed quarry. Putting a quarry on the edge of this wildlife refuge simply does not make sense, no matter what statements are offered in the DEIS to the contrary. The Refuge is where it is because of the isolation and lack of residential, commercial, and industrial factors. The water pumped out of the quarry will most certainly change the dynamics of the Refuge and Oak Orchard Creek along its entire length, affecting this widely recognized salmon and sport fishing habitat. Additionally, the traffic and noise associated with the proposed quarry, especially blasting, will destroy the habitat and environment for many species of wildlife.

The economic benefits cited in the DEIS are negligible when compared to the negative impacts the quarry is likely to foist upon the area. There were only four to five jobs indicated in the original 2006 application and now there are 15 in the DEIS. Where are the extra ten jobs coming from? Are even 15 jobs worth the other negative issues?

The amount of property and sales taxes the quarry will pay is not significant. Three or four houses would pay about the same in property taxes and the majority of stone used to build roads will be sold to agencies that are tax exempt. Also, sales from this proposed quarry would be likely to take business away from other quarries in the area. There is no benefit to this. We have enough stone and agricultural lime.

Perhaps more important in economic terms, allowing a quarry in the proposed area just north of the wildlife refuge has the potential to jeopardize the future growth and development of the science and technology park which the Genesee County Economic Development Center is coordinating. This 1250 acre development site known as STAMP is only a few miles south of the proposed quarry location and is intended to attract nano-technology companies from around the world that are involved in the manufacture of tiny computer and electronic devices using very sensitive equipment. One reason this site was chosen is because of its relative stability with respect to seismic vibrations that are


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detrimental to the manufacturing process. Allowing a quarry to set up operations only a few miles away and blast for rock would be very short-sighted, considering the potential these nano-technology companies have to offer in terms of employment and economic expansion for both Genesee and Orleans counties. The state has already committed \$33 million in the new budget toward the infrastructure of the technology park, which could employ as many as 10,000 people when it is fully developed. Let's make sure we do not trade this off for a quarry that might create 15 jobs at best.

There are simply too many potentially negative impacts involved in allowing a quarry to operate in the location Frontier Stone has proposed. Only a handful of people will benefit if this permit is approved, at the expense of the community at large. As a community of concerned citizens we urge the DEC to decline this permit application and take the necessary action to ensure that the environmental and economic future of our region is not sacrificed.

Sincerely,

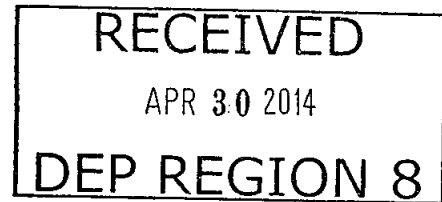


Richard and Melissa Maurer

Cc: Shelby Town Board

April 30, 2014 Hearing at Town of Shelby

To the DEC,



B10
pg 1/3

I am opposed to the Frontier Stone application to develop a quarry on the edge of the Iroquois National Wildlife Refuge. My opposition is based on the likelihood of adverse environmental impact, adverse quality of life impact, and the adverse economic impact of this proposed quarry.

Environmental Impact To Iroquois National Wildlife Refuge (INWR) and Surrounding Area

- Pumping of water from the quarry will result in high concentrations of salt brine, iron, and hydrogen sulphide. This water will be pumped directly into a drainage ditch that feeds into Oak Orchard Creek, other streams, and marsh land. The salt, iron and hydrogen sulphide may adversely affect the wildlife and fish that inhabit the Iroquois National Wildlife Refuge and possible affect the rapidly growing fishing tourism business developing in Orleans County.
- The volume of water that will be pumped from the quarry could flood the surrounding area including private property and the INWR. The flooding could destroy the natural level of water resulting in destruction of the current wetlands and wildlife.
- The short-eared owl is present in the area close to the quarry site. This owl is on the New York State endangered species list. The blasting in the quarry and truck traffic will endanger the short-eared owl. Current findings reported in the environmental impact statement by Frontier Stone is misleading. The short-eared owl frequents long abandoned quarries not active ones.
- The increased volume of heavy truck traffic will be a danger to the wildlife moving around the wildlife refuge. Many additional birds, turtles, muskrats, and more will be disturbed by the vibration of road beds and killed by these trucks.

Quality of Life and Tax Burden on Shelby Residents

- There will be an enormous increase in heavy truck traffic in the area, around 400 trucks per day. The roads around the proposed quarry site were not designed for heavy vehicles such as this. The road bed will be destroyed quickly and the Shelby residents will be left to foot the bill on this. The quarry will not generate enough in taxes or in resident employment to offset this dollar amount.
- The quarry will decrease the value of homes in the area. People will not want to buy, build, or live by a quarry.
- The current quality of life for Shelby residents in the area will deteriorate. My husband and I hike through nearby Swallow Hollow and we canoe through the Iroquois National Wildlife Refuge's quiet, and beautiful scenery in areas that are less than a mile from the proposed quarry. In the future, quiet and beautiful scenery will not exist due to noise

from blasting and trucks. Quarries do not contribute to the beautiful scenery in an area.

- The water quality and quantity would be affected. The residents and farmers of the area could be flooded out from the pumping and their wells could go dry. The flooding would result from the volume of water that would be pumped from the quarry which would be about 1 - 2 million gallons per day. The wells of residents could also go dry due to open fractures or caverns such as those found in the nearby Forrestel Farm's well.

Affect on proposed Science and Technology Advanced Manufacturing Project (STAMP)

- Genesee County Economic Development staff have labored for nine years to develop STAMP which is designed to attract leading edge nano technology.
- New York State has recently promised \$33 million to keep the effort moving forward.
- Manufacturing and research companies in nano technology require a certain type of environment to exist. One of the main features that will draw companies is the low vibrational environment resulting from the high water table and rural nature of the site. The quarry has the potential to adversely affect this with blasting, heavy truck traffic and possible changes in the area's water table.
- STAMP has the potential to generate thousands of good paying jobs, while the quarry will create about a dozen or fewer jobs. The potential to jeopardize all of these high paying jobs due to a dramatic change in the environment needs to be considered.

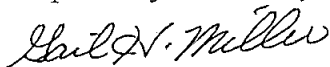
Recommendations for additional study

The proposed quarry needs to be held to an unusually high level of scrutiny based on the sensitive location. Additional study should be required in at least the following areas:

1. Effects on the INWR and the Oak Orchard River of dust, water quality and quantity effects accumulating over the 50-75 year life of the quarry must be more carefully studied.
2. Vibration due to blasting and increase local heavy truck traffic should be more thoroughly studied, preferably by a company with experience in the requirements of nanotech manufacturing.

There are many more environmental issues, quality of life issues, and economic issues that could be listed. It is important that the Iroquois National Wildlife Refuge remain a good home to all of the wildlife within and around its boundaries. The pictures on the Shelby Town Board website shows what our town wants to be known for: a great history, the abundant wildlife, a healthy farming community, and a progressive community watching out for the welfare of its citizens.

Respectfully submitted,



Gail H. Miller
10780C Telegraph Road
Medina, NY 14103

Town of Shelby Resident

CC:

SHELBY TOWN SUPERVISOR – Merle Draper

SHELBY TOWN BOARD MEMBERS:

Kenneth Schaal

William Bacon

Dale Stalker

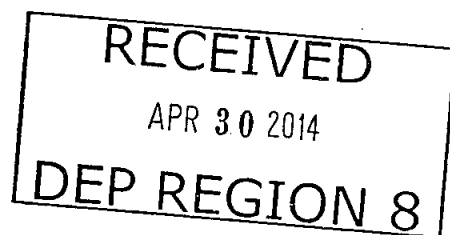
Stephen Seitz Jr.

TOWN CLERK – Darlene Rich

BT
pg 1/2

Mrs. Karen L. Jones
4990 South Gravel Road
Medina, NY 14103

Scott E. Sheeley, Regional Permit Administrator
DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519



April 30, 2014

Dear Mr. Sheeley:

My name is Karen Jones, and I am a resident of Shelby: I reside at 4990 South Gravel Road with my husband Eric and our three children. I am writing to respectfully submit my very strenuous objections to the proposed Frontier Stone Quarry Operation planned for Fletcher Chapel Road and Sour Springs Road, just two miles southeast of my home, and I ask that you deny their request for a permit to mine.

I object to the quarry due to multiple factors worthy of your consideration and review. I respectfully request that the Department of Conservation consider each of these points while making a determination regarding the permit Frontier seeks. I strongly believe that, once a thorough review of the facts has been completed, the DEC will have no other position but to deny the permit due to the very clear negative impact the mine would pose to the Iroquois National Wildlife Refuge (INWR) and the surrounding community of Shelby, NY. The risks and outright immediate harm far outweigh any benefits Frontier has outlined in their now-complete DEIS submission.

In all, I have identified seven areas of concern:

One, the community's position regarding the quarry;

Two, the negative effect the quarry will have upon existing wells and ponds;

✓ Three, the wildlife threatened;

Four, the negative impact upon recreation and tourism in Shelby and Orleans County;

Five, the negative effect upon the local economy;

Six, the negative effect of noise upon property values and quality of life;

and Seven, the importance of protecting valuable cultural resources.

I outline them here for your review:

1. RESIDENTS' OVERWHELMINGLY NEGATIVE POSITION REGARDING THE QUARRY IS IGNORED BY FRONTIER.

On page 81 of the DEIS, Frontier argues that a Shelby Town Survey conducted in 2006 "reflects that residents do not support a complete ban of mining within the town." This is clearly an example of cherry picking the results of the survey in order to stress *their* position, rather than citing the actual results of their own survey. In general, it is true that most residents do not support an outright ban of all mining in their town, but that does NOT mean they support Frontier's mine at the physical doorstep to the Iroquois National Wildlife Refuge. In fact, Shelby Town Supervisor Merle Draper was quoted by the Buffalo on April 19, 2014 as saying that the April 2007 survey reflected that, "the average resident is not in support of it." The actual survey, along with community comments, included in Volume 3 Appendix 2 clearly shows an overwhelming number of citizens opposed to the Frontier Stone quarry, quite different than how Frontier chose to interpret the results. It makes you wonder what other interpretations led to completely opposite conclusions.

The DEC is tasked with examining all such interpretive areas instead of trusting Frontier's report at its surface value. As scientists who have been hired to protect our national treasures, I trust you will do just that, as you have meticulously have since the DEIS was first submitted. As a layperson, I know there will be many, many areas of the DEIS that I will not even recognize as interpretive data. But you will. I trust you to take that job very seriously. Once a mining operation is begun, you know as well as I do there is little to no chance of going back.

2. WATER—WELLS AND PONDS ARE THREATENED. WELLS

In volume 1, Frontier explains that "A residential well survey was distributed door to door to the local residents...Seventeen surveys were distributed to residences closest to the project. Three were returned...Information indicates that the wells are shallow, i.e. less than 50 feet of water, water is hard and often it has a sulfur odor" (102). When their own diagram inserted between pages 102 and 103 of Volume 1 shows what looks like **42 wells**, how is it that only seventeen surveys were distributed? And how is it that they then depend upon only **3 returned surveys** to make their conclusions? I request that the DEC mitigate this deficiency by commissioning their own survey of the residents of Shelby whose wells might be affected, especially as issues of trust (or lack thereof) were clearly factors in the lack of returned surveys. Residents were skeptical of Frontier's end game, and were reluctant to provide anything they thought might be used against them later). However, if residents knew that an outside agency was doing the survey, they would be more likely to comply, thus providing more accurate information. I also request that the DEC cast a wider net, so to speak, of residents who may be affected. Frontier has argued that only 17 wells could possibly be affected; many residents in the area have expressed skepticism that their wells will not be damaged.

PONDS

On pg 102 of Volume 1, Frontier cites the theoretical cone of depression in terms of how it will impact area wells. *Nowhere* in any of the report, however, do they discuss the effect of the cone of depression upon **area ponds** near the site of the proposed quarry, and nor did they do a public survey to determine how many area residents had such ponds (either natural or developed and

paid for). Wells, they explain, will not be a problem, since many area homes have access to public water. But what about the private ponds that people in Shelby have paid for, cared for, and stocked over the years through careful preservation and beatification efforts? Frontier clearly does not care, because not one mention is made of them, nor is there any discussion of how landowners would be compensated when their pond is drained. ? I request that the DEC mitigate this deficiency by commissioning their own survey of the residents of Shelby whose ponds might be affected by the cone of depression that will result from an active quarry in the vicinity of their home.

3. WILDLIFE IS CLEARLY AT RISK OF HARM WITH THE PROPOSED QUARRY.

The DEC, in their letter to Mr. John Hellert dated 13 June 2008 (Volume 3 Appendix 2 "DEC Correspondence" pg 17) clearly expressed concern for birds affected in the INWR grasslands, specifically the "state threatened Henslow's sparrow." But in Frontier's now-complete DEIS, Frontier simply writes "No adverse impact to short-eared owls are anticipated. Similarly, no adverse impact to Henslow's sparrows, which were previously recorded as having nested approximately 4000 ft west of the proposed quarry, are anticipated" (Volume 1, pg 15). This is tantamount to the DEC asking, "But what about the birds?" and Frontier responding, "Don't worry about the birds." Making a declarative statement does not automatically make it a factual one. Nor does it make it scientific. The DEC also requested that Frontier include information pertaining to the impact of blasting upon wildlife, and this too is conspicuously absent from their environmental impact statement. I request that the DEC mitigate this deficiency by denying the permit to develop and mine a quarry. The DEC already requested that Frontier provide more documentation and support, and Frontier failed to comply. That is why the DEC now has the right to give Frontier the answer they deserve: an unequivocal "No."

4. TOURISM AND LOCAL RECREATION WILL BE NEGATIVELY IMPACTED.

Swallow Hollow Walking Trail is less than two and a half miles from the proposed site. It is renowned for its quiet solitude, its peace and tranquility, its teaching and learning avenues, and its reflection of the goals of the INWR as a whole. I regularly go with my family and friends to Swallow Hollow to commune with nature, to walk our dog, and to get away from the business of hectic life. Frontier presumes that, because there is busy traffic noise already on Rt 63 (where I live, actually), then it is not a great compromise for the noise a quarry would produce. They ignore the fact that Swallow Hollow is enclosed on all four sides by absolute still, with only a very small handful of residences in the nearby vicinity. The walking trail would be irrevocably altered if a mining operation were begun only two and half miles west of it. I urge the DEC to examine Frontier's own maps to determine how very close the proposed mining site is to East Shelby Road, which is where the entrance to Swallow Hollow lies—just southeast of the proposed site, just one road over. This 1.3 mile walking trail, designed, built, and maintained by the students of the Iroquois Job Corps, is one of Orleans County's greatest treasures.

5. THE POSSIBILITY THAT SHELBY WILL SEE *NO ECONOMIC BENEFIT* FOR A DECADE

There has been much talk in the news of Governor Cuomo's 2014 tax break initiative: According to the state website www.nystartup.gov/faqs "START-UP NY...will provide major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the

opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes." The fact of the matter is, the Shelby community has received no guarantee that Frontier will not attempt to participate in Start-Up New York. Who is to say that they are not considering (or have already begun) partnering with a local college with, perhaps, a geology program or other mining-related field in order to reap the benefits of the Start-Up New York initiative? If this occurs, we will be left with a company that contributes NOTHING in tax revenue locally or at the state level for ten years. Even if this scenario doesn't come to fruition, the numbers they cited do not outweigh the myriad of other costs. From an economic standpoint, the worst thing is the impact a quarry has upon a home's value, or lack thereof. Quarries do not boost economic potential for anyone but the owners and their employees. They chip away at community value; they don't enhance it.

6. THE NEGATIVE IMPACT OF NOISE UPON PROPERTY VALUE AND QUALITY OF LIFE

In 2006, the DEC told Frontier their application was incomplete because they had not included a noise study. In their now-updated DEIS, though they have included a "Process Plant and Quarry Equipment Filtered and Unfiltered Noise Analysis", (Volume I: page 159, tables 19, 20 and 22), and yet they only measured the sound generated by the process plant, the rock drill, and the in-pit loader and crusher. Nowhere in their noise analysis do they quantitatively measure the sound of the actual blasting that occurs on a bi-weekly basis at a quarry. Considering that the noise produced by the blasting occurs repeatedly throughout the spring, summer, and fall months of operation, this is extremely problematic. Instead, in different places throughout their DEIS, they brush off the blasting as comparable to a short blast of thunder, and argue that it would only occur about once a week during their production season, and that it would not impact people that much since they are at work during the day. Apparently, Frontier does not know that many people work from home (during the day), raise children at home (during the day), or are disabled at home (during the day) and that yes, their quality of life is negatively impacted with regular, window-shaking blasts from even the miles-away quarry that already exists on Blair road. To suggest that a much larger quarry at a closer proximity would not adversely affect their quality of life is ludicrous. Ignoring the impact of blasting, vibrations, truck and loader noises upon the peaceful, quiet serenity of Swallow Hollow, the 1.3 mile walking trail less than two and a half miles from the quarry, is also of extreme concern, not just from a quality-of-life issue, but from an economic (tourism) issue. For Shelby and its surrounding communities, the walking trail is one of the most highly utilized aspects of the INWR; failing to address how it will be affected by the quarry in their DEIS report speaks volumes.

I request that the DEC mitigate Frontier Stone's deficiency in their DEIS by commissioning a study of their own analyzing and interpreting the effect of two major noise issues: the blasting, and the dump trucks filled with stone. Frontier relies upon nothing more than summary analysis of the blasting, and they compare the truck traffic as similar to what already occurs on Route 63. However, hundreds—daily—of dump trucks filled with stone barreling a secluded country road (which is what Sour Springs, Fletcher Chapel, and Oak Orchard River Road ARE) hardly compares to Route 63. A better quantitative analysis would measure truck traffic noise from that particular type of vehicle and load, and would measure the effect upon the secluded countryside directly impacted. This is especially true because, as is, residents on those above-mentioned

roads do not currently hear any traffic at all from Route 63—and that's one of the reasons they live where they live: to enjoy such peace and tranquility.

7. THE IMPORTANCE OF PROTECTING CULTURAL RESOURCES WHEN PRELIMINARY FINDINGS SUGGEST A STRONG POSSIBILITY OF INVALUABLE DISCOVERIES.

In your letter to Mr. John Hellert, you said that, once an archeological survey had been completed (which it has), you would then “consult with the NYS Historical Preservation Office to determine if additional work or mitigation was needed to ensure protection of cultural resources.” They did include a letter from that office, but it only mentioned Phase 1 of the project.

In Volume 5, there is the archeological report prepared by Kirk Butterbaugh of Butterbaugh Archaeological Consulting. In it, he and his associate explain the cultural and historical significance of the area. They explain that in 1656, the area was controlled by the Seneca Nation, and write that “the OPRHP site files show four prehistoric or protohistoric sites within 1.6 km of project area. None are near the project area” (4.1 Prehistoric and Protohistoric Site Information, pg 255 of PDF version Volume 5). They went on to explain that “sixteen historical archeological sites were recorded within 1.6 km (1 mi) of the project area (Attachment 7). None are near the project area” (4.2 Historical Site Information, pg 255 of PDF version of Volume 5). Just a little over a mile away are **20 sites** that have already been recorded over the years, and it is deemed not NEAR the site? You know what I found when I went looking for Attachment seven? A human skull. According to Attachment seven of Butterbaugh's report, there were a number of reported findings in the vicinity of the project—just a mile away—and one of them was a human skull (pg 277 of PDF version of Volume 5).

The archeological survey done on the proposed site was two rows, fifty feet apart and 10 feet wide. Nowhere, however, does the archeological firm explain how *deeply* they dug. Additionally, since they did the study on December 22, 27, and 28 of 2006, how deeply *could* they have dug with their five shovel tests? Wasn't the ground frozen?

They end their report by saying that “[since] the work was conducted by qualified personnel following OPRHP guidelines, BAC recommends that the proposed project will not impact any properties that are potentially eligible to the N/SRHP, and that the project may proceed as planned.” (pg 256 of PDF version of Volume 5). Just because the report follows OPRHP formatting guidelines doesn't mean the results deem the project a go, especially when only ONE phase has been analyzed and the archeological search was so superficial.

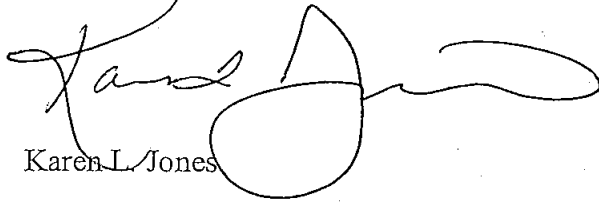
It is my understanding that the Department of Conservation has an internal “X's and O's” map that projects where certain archeological treasures are likely to be. Though the OPRHP might not have yet *recorded* a valuable artifact or cultural treasure does not mean there are none, nor does it mean the DEC is not already aware of them. By treasure, I refer to those of historical and cultural significance, such as Native American (Seneca) artifacts and possibly even human remains (especially as a human skull has already been cited, just one mile away). The area under discussion has not been greatly disturbed over the centuries beyond that of a typical agricultural disturbance, such as by plowing—not overly deep. And particularly as the area was under

B11
pg 6/6

control of the Seneca's, it is an important question worthy of digging deeper (literally as well as figuratively). I request that the DEC mitigate Frontier Stone's deficiency in their DEIS by studying and analyzing the area in question using their own internal archeology projections to discern the area's true value prior to any mining permit being issued. I also request that the DEC supervise a thorough archeological study through **each phrase** of construction (not just phase one), AND to require them to cease and desist all further stages of the quarry project if anything of historical value (i.e. Native American artifacts) is found. I know that Shelby is well known for its rich Native American history, and I know that more appropriate agencies would be better equipped to determine the site's value. I ask once again that the DEC mitigate Frontier's severe deficiencies in their archaeological report by supervising a multi-agency review.

I know that Frontier Stone very much wants this to happen. But one company's investment at the expense of an entire community's position in the matter is not acceptable. When examining all of the issues I have outlined, the Department of Conservation must remember what it has been tasked to do: preserving and protecting the wildlife and environment of this great state. It is your duty, just as I am certain it is your calling. With all of the compelling data I have provided, the answer is clear: This is the one, Mr. Sheeley. This is the one you deny.

Respectfully,



Karen L. Jones

CC:

SHELBY TOWN SUPERVISOR – Merle Draper

SHELBY TOWN BOARD MEMBERS:

Kenneth Schaal

William Bacon

Dale Stalker

Stephen Seitz Jr.

TOWN CLERK – Darlene Rich

CC: Members of the Press

4/30/14

My Name is Dennis Davis, my address is 4775 Bigford Rd.
Medina NY 14103, Phone 585-798-6089.



I want you to know that I **OPPOSE** the granting of a permit to build a Stone Quarry on the Sour Springs Rd. There are many reasons that I believe this business will do more harm than good to me and my neighbors. There is little need for another gravel pit in this community considering the three that already exist. The reasons I oppose this is as follows:

1. Federal Wildlife Refuge would be endanger of being flooded or drained due to the major ground water changes blasting and bedrock changes make to the ground and subterranean water levels.
2. I do not have public water for my home and it is **NOT** available to me on the Bigford Rd. With the water tables altered I will lose my only source of potable water for my home. I live less that 2 miles from the proposed site and the wells of homeowners were lost in a larger area from the other Quarries in the area. I would never be able to afford to **PROVE** that the quarry caused my water loss.
3. The road construction in this rural area is not adequate to support the 400+ daily trips of heavy trucks. They are not wide enough or thick enough and will crumble in a matter of months. This will leave the residents no sound roads for our cars. Oak Orchard Ridge road is only a sand base topped without a road top.
4. The economic impact would be devastating to the residents and the community as a whole. The financial benefit of this business is minimal.

B12
pg 2/2

The loss of the Stamp Plant project would be major. The ground disturbance from daily blasting will make the requirements for this Stamp Plant impossible. This would be a loss of the 1500 proposed jobs the plant hopes to provide.

There are many other reasons I believe this project would not be to any advantage. Please **DENY** the permit to build it.

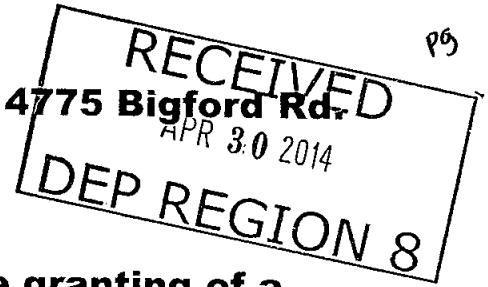
Thank You,

A handwritten signature in cursive script, appearing to read "Dennis Davis".

Dennis Davis

4/30/14

My Name is Lorraine Davis, my address is 4775 Bigford Rd.
Medina NY 14103, Phone 585-798-6089.



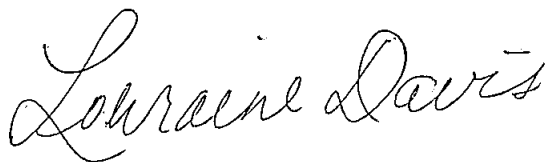
I want you to know that I **OPPOSE** the granting of a permit to build a Stone Quarry on the Sour Springs Rd. There are many reasons that I believe this business will do more harm than good to me and my neighbors. There is little need for another gravel pit in this community considering the three that already exist. The reasons I oppose this is as follows:

1. Federal Wildlife Refuge would be endanger of being flooded or drained due to the major ground water changes blasting and bedrock changes make to the ground and subterranean water levels.
2. I do not have public water for my home and it is **NOT** available to me on the Bigford Rd. With the water tables altered I will lose my only source of potable water for my home. I live less that 2 miles from the proposed site and the wells of homeowners were lost in a larger area from the other Quarries in the area. I would never be able to afford to **PROVE** that the quarry caused my water loss.
3. The road construction in this rural area is not adequate to support the 400+ daily trips of heavy trucks. They are not wide enough or thick enough and will crumble in a matter of months. This will leave the residents no sound roads for our cars. Oak Orchard Ridge road is only a sand base topped without a road top.
4. The economic impact would be devastating to the residents and the community as a whole. The financial benefit of this business is minimal.

The loss of the Stamp Plant project would be major. The ground disturbance from daily blasting will make the requirements for this Stamp Plant impossible. This would be a loss of the 1500 proposed jobs the plant hopes to provide.

There are many other reasons I believe this project would not be to any advantage. Please **DENY** the permit to build it.

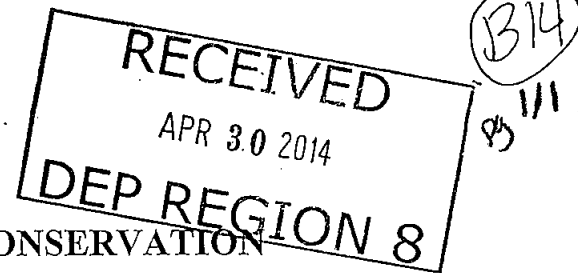
Thank You,

A handwritten signature in cursive script that reads "Lorraine Davis".

Lorraine Davis



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Written Comment Form

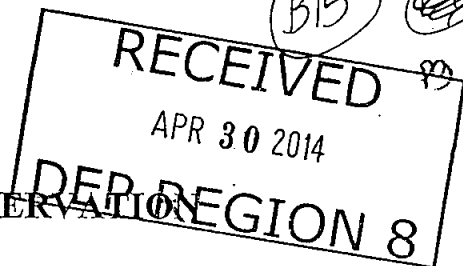
If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Sandra L. Hellwig Affiliation: (if any) taxpayer town of Shelby
City, State, Zip: Medina NY 14103 Telephone/ E-mail Address: (716) 417-0790 sandrahellwig@msn.com

- ① I have very strong environmental concerns of the ^{negative} affect of a stone quarry ~~on~~ ^{on} not just the wildlife refuge but on our Oak Orchard watershed region which goes from the refuge to Lake Ontario.
- ② As a resident + taxpayer of my home at W52 Blair Road, Shelby ^{since 1997} I have first hand experience on how blasting & drilling ^(shake like a truck hit it) effects ~~the~~ residential homes and our well water. ^{my neighbor is Shelby Crushed Stone which is 1.2 mi down my road} When we had our first well drilled in 1997 we had plentiful water and we had it tested by Orleans County + it was fine. After 2000 as the stone quarry on our road moved closer ^{East} to my home, my well water "disappeared" after heavy blasting, would return in the their off-season then would be gone again. We had it tested after 2000 and it was unsafe to drink (contaminates) + use (methane gas).
- I am strongly opposed to the issuing of a permit by the DEC + I am opposed to rezoning to Industrial by Shelby Town Board



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: James M. Ralph Affiliation: (if any) _____

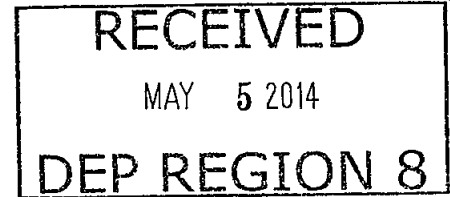
City, State, Zip: 5410 East Shelby Rd Medina NY Telephone/ E-mail Address 585-590-9829

I am a life long resident of the town of Shelby and a Disabled Veteran. I am animatedly opposed to the approval of the mine permit as well as the rezoning of the proposed area to a Commercial Zoning. It comes to mind that the wildlife areas are restricted from human trespass due to the disruption of wildlife. You can not even pick berries because of the adverse effect on the wildlife. If these actions cause so much harm then what will the non-stop traffic and daily blasting in close proximity of the refuge due the wildlife. Additionally the black water that will be openly drained will surely effect the eco system in a negative manner. Once again I whole heartedly request that all requests for mining be denied and that the rezoning requests be denied by the Town of Shelby and the D.E.C.. Thank you for your consideration with this matter.

James M. Ralph

ROBERT HOFFMAN
10772 Ryan Road
Medina, NY 14103

hoffmanbb@hotmail.com



April 30th, 2014

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

Dear Mr. Sheeley,

My name is Robert Hoffman. I am a retired Albion High School Teacher who has lived on the Ryan Road in the Town of Shelby for the last 30 years. I am writing this letter to you to strenuously object to the proposed Frontier Stone Quarry operation that is planned for the a block of land bordered by Sour Springs Rd. and Fletcher Chapel Rd. in the Town of Shelby. I respectfully ask that you deny their request for a mining permit at that site.

Please consider the following objections that I cite as you deliberate the Frontier Mining permit request.

1.) NEARNESS TO THE IROQUOIS NATIONAL WILDLIFE REFUGE.

The proposed quarry site is less that 1/8 mile from the INWR and less that 1/8 mile from two breeding marshes used by geese, ducks and song birds. Frontier says that the blasting and accompanying noise and vibration will have little or no effect on nearby wildlife. I disagree. I live about 1.5 miles from the Shelby Stone Quarry. When they blast my house shakes. In years past the vibration has broken my north facing storm window. It is reasonable to expect that the blast and vibration at the Frontier site would be about the same. Further, said wildlife are located a lot closer than 1.5 miles from the blast site. Nesting birds are sensitive to and do not tolerate sudden vibrations well. The blasting will have a negative effect on nesting birds.

Frontier says that the blasting would be as disruptive as traffic on Rt. 63. I strongly disagree with this conclusion. Traffic on Rt. 63 produces a steady monotone hum; not a sudden, sharp, bang and a rumbling, shaking vibration similar to an earthquake. I would like to see proof from Frontier stone that blasting like this would not be disruptive to nesting waterfowl and song birds.

2.) PUMPING OUT WATER FROM THE QUARRY.

Frontier Stone estimated that they will be pumping out between 500 and 2,000 gal of water per minute if the quarry was in operation. My question is where is that water coming from? Since the refuge is only 1/8 mile away, it doesn't take a rocket scientist to see its coming from ground water under the refuge. I am concerned about the long-term effects of this drainage and its effect on the refuge. Frontier Stone has not submitted sufficient proof that there would not be significant, long-term harm done to the refuge.

Further... if there is harm done to the refuge caused by water draining from the refuge into the quarry, what liability does Frontier Stone have? What is the burden of proof needed to sue Frontier Stone for damages? Once you break into the water table you can't "stick your finger into the dike and stop the leak". The risks of irreparable damage to the refuge is too great to consider a stone quarry at the proposed location.

3.) WHAT'S IN THE PUMPED OUT WATER?

Frontier Stone proposes to pump some 500-2,000 gal./min from the quarry into a ditch that run into the Oak Orchard River. What is in this water? This is a proposed mining operation involving blasting and caustic chemicals. What are the long term effects of this contaminated runoff containing high iron and high sulfide water on the fish in Oak Orchard River; in particular the effects on salmon, steelhead and other trout fish downstream. What effect would this dumping have on the sport fishing industry in Orleans County? Salmon and trout need clean water to breed and prosper. A lot of money comes into Orleans County during fishing season. If there happened to be a fish kill, what would Frontier Stone's liability be?

4.) WE DO NOT NEED A THIRD STONE QUARRY IN THE COUNTY.

Frontier Stone has not demonstrated there is sufficient need for a third stone quarry in the county. There are already two working quarries less than nine miles from the proposed site. Frontier Stone made the statement at a town hall meeting, that if we didn't approve the proposed quarry that we would have to travel to PA to get crushed stone in the future. Such a statement is ridiculous. There are six working quarries within 16 miles of the proposed site. The two other quarries in the county have a projected life of 50-80 years. The facts clearly prove there is no need for a third quarry in the county.

5.) EFFECTS OF TRAFFIC.

If the quarry was put into operation, the increased truck traffic would have a negative impact on the area. Even if we dismiss the resulting noise and diesel exhaust we have the problem of the many very heavy trucks using town roads which have not been designed to carry such heavy loads. The road beds under Sour Springs Rd. and Fletcher Chapel Rd. are too thin to support the heavy loads of the quarry's trucks. These roads would have to be rebuilt and widened to handle said heavy loads. Who is going to pay for this construction?

6.) ROAD SAFETY.

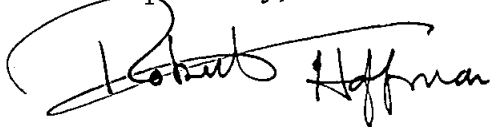
Many people visit this area of the refuge in the spring and summer many of these people walk along Sour Springs Rd. bird watching or sit in their parked cars. The proposed increased truck traffic would have a negative impact on these activities. It may be that adults and children distracted by bird watching would not be watching out for trucks and this could result in accidents. Further, the noise of trucks shifting gears would scare any birds away from the area.

7.) IMPACT ON AREA JOBS.

Frontier Stone's current application states that the town would gain 15 new jobs. Frontier does not state if the jobs are full time or seasonal and they do not provide any job titles. This number of new jobs is highly unlikely. When compared to the other two operational quarries in the county which employ 6 full time and 6 seasonal and 6 full time and 3 seasonal respectively. The fact is there may be a net loss of jobs caused by the other two operators cutting staff because of increased competition from Frontier Stone.

Frontier Stone has put a lot of time and money into securing the permit for this quarry to operate. But, in this case, the needs of the many out weigh the needs of the few. Frontier Stone's desire for profits can not be allowed to trump the needs of the community, in this case the Town of Shelby, Orleans County and the pristine environment of the region. The department of Conservation has an obligation to protect and preserve the wildlife and environment of New York State. I respectfully request that you exercise your authority and refuse Frontier Stone this permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Hoffman", with a large, sweeping initial "R" that extends across the first name.

Robert Hoffman

CC:

SHELBY TOWN SUPERVISOR: Merle Draper

SHELBY TOWN BOARD MEMBERS:

Kenneth Schaal

William Bacon

Dale Stalker

Stephen Seitz Jr.

SHELBY TOWN CLERK: Darlene Rick



B17
89 1/1

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Kim Rambley Affiliation: (if any) Stop Polluting Orleans County

City, State, Zip: Albion, NY 14411 Telephone/ E-mail Address: krambley1@

gmail.com

Our organization is very concerned about
the effect on the Iroquois Wildlife Refuge
of this project.

The noise, vibration, and water contamination
will adversely and irreparably impact the refuge.



April 30, 2014 (B18)

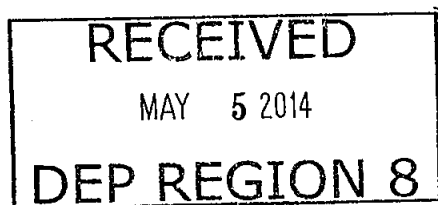
To the New York State DEC,

We are New York State tax payers, residing in the Township of Shelby, having purchased our property at 116467 Letcher Chapel Road, which lies two hundred fifty feet (250) from the proposed Quarry property. We purchased our property in October of the year 1962. After making extensive repairs and remodeling moved in on July of 1963, raising our six (6) children there.

We are against the opening of a quarry on land which lies immediately to the north of the Onondaga National Wildlife Refuge, because of the damage that will be caused to the Refuge and to the Oak Orchard River, by the dumping of thousands of gallons of "black water" per hour in those areas. Further more there is a great possibility of disrupting the habitat of the endangered species of wild life.

We are also concerned about the disruption of the quality of our own lives while we reside there.

Sincerely,
Lavern O. Fuller
Doris E. Fuller



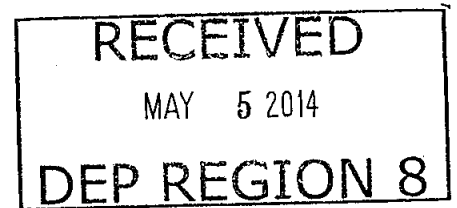
Mr. & Mrs. Lavern O'Fuller
11646 Fletcher Chapel Rd
Medina, NY 14103

NO. 2 YAM

Bla 11/3
original

10772 Ryan Road
Medina, NY 14103
585-798-2793
4/30/14

Scott Sheeley, Regional Permit Administrator
NYS DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519



Shelby Town Board

Dear Sirs:

It has come to my attention over the last few years that Frontier Stone desires to open up a stone quarry on Fletcher Chapel Road. At this time I would like to express my vehement opposition to this proposal.

For the last 30 years I have lived on Ryan Road, but have been a lifelong resident of the Town of Shelby. The land I live on has been in my family since it was originally purchased from the Holland Land Company in the 1800's, so I have a vested interest about what happens near my home. The more I read about this proposed quarry, the more I oppose it.

In Frontier Stone's application to open a quarry, I find some misinformation such as their claim that if they cannot open a quarry, people would have to travel to Pennsylvania for stone. However, the other local quarries between Orleans and Niagara County currently state they have a life span of up to 50-80 years more each. So, I don't believe that we are going to run out of stone anytime soon. Frontier Stone also states that they will be able to supply farmers in the area with lime for the fields. However, when speaking with other quarries in the area, they state that they have an excess of agricultural lime on hand.

Recently I drove by the proposed site not far from my home. When I saw how incredibly close it is to the Iroquois National Wildlife Refuge, I was astounded. When I looked at the topography and considered the proposed depth of the quarry, I cannot imagine that this quarry will not affect the water table in the area, especially when the clay is removed. Clay holds water and is what makes the swamp hold water. Once that clay is removed and blasting occurs, who is going to guarantee that the swamp will not be

affected, along with the nesting birds and endangered short eared owl? The Iroquois Wildlife Refuge is a mecca for natural enthusiasts from around the country.

Frontier Stone claims that they will be pumping up to a half a million gallons of water a day out of the quarry and into a drainage ditch. Seriously? And then they claim that this water will not be coming from the swamp? If not from the swamp, where will it be coming from? And then they will dump all that water into a drainage ditch that will eventually flow into Oak Orchard Creek and Lake Ontario. How will all this water and chemicals from blasting affect the fish in those waters? If Frontier Stone thinks that all of that water they will be pumping into that ditch will move swiftly, maybe they should come to my house on Ryan Road and see the pools of standing water going nowhere in my front yard since the snow melted.

As a Town of Shelby taxpayer, I am concerned about the increased truck traffic, reported to be at max of one truck per minute, into and out of the proposed quarry. Fletcher Chapel Road and the other roads in the vicinity cannot handle that kind of heavy duty truck traffic. Who is going to pay to improve the roads and maintain them? What about the noise the additional truck traffic will have on residents in the area as well as the wildlife?

The Current Shelby Stone quarry is approximately 1.5 miles north of my current home. On blasting days, depending on the weather conditions, the noise startles the birds at my feeder, my house shakes and glasses rattle in my cupboard. So, if another quarry opens to my south, can I expect shaking and rattling coming from both directions? I chose to live in the Town of Shelby due to its rural, peaceful nature instead of in a village or city. Having to deal with one stone quarry is bad enough to disrupt my quiet rural lifestyle, but with the possibility of having 2 within 5 miles from my house, I will have to seriously consider other options. Also, the proposed STAMP facility just a few miles away from the proposed quarry on Fletcher Chapel Road chose their site because of the quiet, rural setting and the sensitivity of the type of manufacturing that will be done there. Blasting just a few miles away is something that does not mesh well with the STAMP facility.

Frontier Stone states that the Town of Shelby will see increased tax revenue from the proposed quarry. However, most of the stone will be used for county and state projects and they do not pay taxes. Any additional tax revenue will likely go down because of increased competition. Besides, most of local sales tax revenue is used by Orleans County and very little is shared with the Town of Shelby.

I respectfully ask that NYS Department of Environmental Conservation honor their mission statement "To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being." I also respectfully ask the Town of Shelby to deny the zoning change necessary for the proposed quarry.

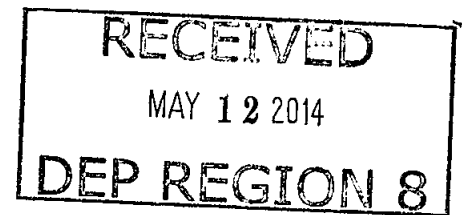
Sincerely,



Barbara Grapes Hoffman

Mrs. Bonnie S. Watts
11181 Ryan Rd
Medina, NY 14103

Scott E. Sheeley, Regional Permit Administrator
DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519



April 30, 2014

Dear Mr. Sheeley:

I am a resident of Shelby, residing at 11181 Ryan Road since 2009, having relocated from the Rochester suburb of Henrietta with my husband Matt after our youngest child finished college and left home. We were at a point in our lives that we could afford to leave our modest little corner lot in the suburbs and move to the country with some land.

We spent considerable time and savings, choosing a home that was affordable and within an area that we could enjoy natural settings and our outdoor interests. Since that time we are enjoying beyond measure what we had anticipated. We knew that we were close to the refuge and could go there conveniently, where back in Rochester we would have made it a day trip, getting on the thruway and paying tolls.

Nearly every day I am thrilled to see what lives in the refuge come right on to my land. I have had immature, unbanded bald eagles, ruffed grouse, green and blue heron, geese, ducks, owls, turkey, hawks, and many more creatures arrive in the morning and return to the direction of the refuge at night.

Folks who have lived here all of their lives, might be accustomed to these delightful scenes, but to me this is a slice of heaven and we are so glad that we packed it all up and moved here. We are proud to live here and to be a part of this community.

We have never known better neighbors and friends and I have the utmost respect for those in office here in Shelby that protect and serve the interests of our community. I recognize that in addition to our many other resources here in western NY, that stone quarries are a part of those. We are fortunate to have so many, yet I am concerned with the growing number and locations.

Today, I respectfully submit to you my objections to the proposed Stone Quarry in the area of Fletcher Chapel and Sour Springs Rd. There is already another quarry to the north of my home within 3 miles, the proposed quarry would be the same distance to the south, and then our home would be situated right between these 2 active quarries.

I ask that the Department of Environmental Conservation to please consider each of the following points and deny the permit due to the negative impact mining would pose to the Iroquois National Wildlife Refuge and community of Shelby. It is my adamant belief these areas of concern are far too important to ignore.

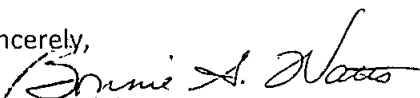
I have attached in more detail to support the following concerns:

1. I AM OPPOSED TO HAVING A SECOND QUARRY IN THIS COMMUNITY AND THE PROPOSED LOCATION.
2. I HAVE EXAMINED THE PUBLIC VERSION OF THE DEIS AND MY INTERPRETATION IS THAT THE CONTENTS ARE STILL INCOMPLETE OR INACCURATE, AND RAISE MORE QUESTIONS THAT SHOULD BE ANSWERED IN AN UNBIASED AND RESPONSIBLE MANNER.

3. I FEAR THAT THE PROPOSED QUARRY WILL PUT AT RISK THE ECONOMIC INVESTMENTS FOR GENESEE AND ORLEANS COUNTY COMMUNITIES, SUCH AS THE STAMP PROJECT.
4. I AM OPPOSED TO THE RISK THAT THE PROPOSED QUARRY WILL PUT ON CURRENT AND FUTURE FUNDING AT THE IROQUOIS FEDERAL WILDLIFE REFUGE, SUCH AS THE RECENT CONSERVATION GRANTS GIVEN TO DUCKS UNLIMITED TO WORK ON RESTORATION PROJECTS IN THE REFUGE.
5. I AM OPPOSED TO THE POTENTIAL NEGATIVE IMPACT FROM NOISE, TRAFFIC, AND ROAD IMPROVEMENTS THAT WOULD BE NECESSARY TO SUPPORT MINING AND TRUCKING OPERATIONS AT THE PROPOSED LOCATION.
6. I OPPOSE THE NEGATIVE IMPACT OF NOISE REACHING INTO THE BOUNDARIES OF THE REFUGE, INCLUDING THE POCKETS OF COMPLETE SANCTUARY, SUCH AS SWALLOW HOLLOW.
7. I AM OPPOSED TO THE POTENTIAL OF FUTURE EXPANSION OF THE PROPOSED QUARRY IF NEIGHBORING ACRES TO THE EAST OR WEST BECOME AVAILABLE.
8. I AM OPPOSED TO THE RISK OF IRREVERSIBLE HARM TO THE WILDLIFE, NOT ONLY AT THE REFUGE BUT TO THE SURROUNDING AREA BEYOND INWR BORDERS THAT SHOW ON A MAP
9. I AM OPPOSED TO THE NEGATIVE IMPACT FROM THE DEWATERING OF THE MINING OPERATION INTO LOCAL DRAINAGE SYSTEMS AT HIGH VOLUMES THAT EVENTUALLY FEED INTO AREA PONDS, STREAMS, THE REFUGE, AND THE OAK ORCHARD RIVER, SPECIFICALLY THE IMPACT OF WATER LEVELS, QUALITY OF THE WATER THAT SUPPORTS THE ECOLOGIC RESOURCES REQUIRED TO SUSTAIN THE HABITAT.

I thank all of you this evening for listening to these concerns and objections. I am trusting that you will more closely examine with due diligence, the DEIS from Frontier Stone and everything that is at risk here and deny the permit.

Sincerely,


Bonnie S. Watts

CC:

Shelby Town Clerk – Darlene Rich

Objections points to the Facts presented by Frontier Stone:

- The original application stated 3-4 jobs, now it states 15 but it does not say what those additional 11 jobs are. Net annual gain in property taxes - ~14-15K
- Government projects are tax exempt and the town gets a very small percentage of sales taxes collected here.
- Frontier made the statement at the presentation at the town hall that if we didn't add another quarry that we could be travelling to PA for stone in the future. –But the Existing Quarries Life of Mine is currently: Shelby Crushed Stone: 50-80 years Barre Stone: 75-80 year Buffalo Crushed Stone Ledge Road: 15 – 50 years Lafarge Lockport: 5 – 50 years (pending zoning approval) ·

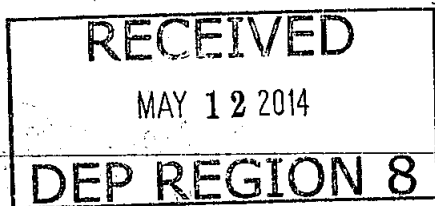
Proximity to existing quarries:

Lafarge Lockport 17 miles 25 miles
Shelby Crushed Stone 3.3 miles 4.9 miles
Barre Stone 8.5 miles 11.1 miles
County Line Stone 13.5 miles 16.8 miles
Buffalo Crushed Ledge Road 7.7 miles 9.8 miles
Clarendon (Dolomite Group) 15 miles 20 miles

- Frontier presentation to the Town of Shelby noted the need for Ag Lime for farming and that it would be provided by this quarry. –But calls to the locals quarries have a surplus of high quality of Ag Lime.
- Frontier Stone stated that there would be no negative effects from the water that would be brought from the quarry to the surface. Said Sulphur would dissipate, never addressed the iron or salt brine to be dumped into the Oak Orchard River. Never addressed the effects of any contamination from high salt and iron content to the river or the refuge. – But Water produced from the test wells at the proposed quarry site contained salt brine, dissolved natural gas, high concentrations of iron and hydrogen sulfide. Water from the proposed quarry with the salt brine, natural gas and hydrogen sulfide will be pumped into a drainage ditch that feeds into Oak Orchard Creek and School House Marsh. USFWS questioned the water quality several times in response to the DEIS. DEIS does not address salt or iron at all, minimizes any effects from sulphur.
- Frontier will require SPDES Permit from the DEC to dump water from the quarry. – But SPDES permit does not regulate for salt brine, iron, natural gas or hydrogen sulfide. Water at other local quarries is pumped out at between 500-2000 gallons per minute during heaviest times. AND those quarries are half as deep as Frontier plans to dig.

- Potential flooding of the refuge is not addressed. — But Pumping large qtys of contaminated water into the small drainage ditch will over flow into Oak Orchard River and the refuge marsh system. No examination of the effects of this high iron, highly mineralized, high sulfide water has been done at all. No consideration for treatment of the water prior to dumping at the surface has been discussed. Actual pumping should be more close to 500-2000 GPM as this quarry will be twice as deep as the other local quarries that are pumping at 600-1200 GPM every spring. (running 2 - 600 gpm pumps at the same time)
- Frontier has stated that the proposed quarry will act like the other 12 quarrys in the Lockport formation and thus there is little chance that local wells and the refuge swamps will go dry. —But The other 12 quarrys are located closer to the escarpment and therefore the Frontier statement is not necessarily true. (Ed Bugliosi USGS) The mine in the town of Clarendon is a Lockport formation quarry. Dewatering of that quarry was found to have drained the water flowing to the town's waterfall which is situated about 5000' from the face of the quarry. (clarendon vs. Hanson Aggregates.)
- Frontier's DEIS only examined sites north and south of the proposed site on Rt 63/77. —But The Lockport Formation of limestone runs from Michigan to Rome NY. Frontier never evaluated sites east and west of the proposed site that didn't have any connection with a wildlife refuge or wetlands ecosystem or the STAMP project. Rt 98, 237, 19, 490, 36, 259, 390, 65, 64, 250, 21, 88, 414, 89, 34, all run directly to the Thruway and could convey stone just as easily as 63/77.
- The site for the STAMP project was selected because of its high water table which makes the land especially favorable to a non-vibrational environment for the projected manufacturing and research processes. The dewatering of the stone quarry has the potential to lower the surrounding water-table (See cone of depression and zone of influence above) Blasting at the quarry site will be felt for miles. The level of vibration that could make the site of the STAMP project unfavorable is much lower than the threshold that rattles windows several miles away from a quarry site. The approximate distance between the STAMP site and the quarry site is about 5 miles.
- On page 16 of the draft document it is stated that haul rates are in the range of \$0.25 to \$2.00 per ton. Below are listed average haul rates for existing quarries: —But
 - o Shelby Crushed Stone: \$0.11 to \$0.16 per ton per mile
 - o Barre Stone: \$0.11 to \$0.16 per ton per mile
 - o County Line Stone \$0.11 to \$0.20 per ton per mile

- The route that the trucks will take to access Rt 63 goes right through a portion of of the INWR. No mention is made of the impacts of truck traffic to the recreational use of these roads by visitors to the INWR (including birders, hunters, students from the Job Corps, etc.) Dust, noise, and safety issues related to this heavy truck traffic will have definite impacts to wildlife use of the habitat immediately adjacent to the roads and to the wildlife crossing the road from one portion of the refuge to another. Improvements needed with detailed plans and permit: The existing pavement on Oak Orchard Rd approaching Rt 63 is in poor condition and the intersection geometry is not adequate to accommodate the design vehicle. The approach to Rt 63 should be reconstructed with a full depth pavement section for a distance of at least 100 feet from the Rt 63 lane edge line. Oak Orchard Rd should have one 12 ft lane entering and one 12 ft lane exiting Rt 63. An 8 ft wide full depth shoulder should be included on the east side of Rt 63 and begin 50 ft south of the entering radii. -- What about other scenarios for traffic distribution, such as Fletcher-Chapel or any other roads? Who will pay for the construction and the maintenance?
- While there is discussion of reclamation, what are the limitations of *future expansions* of the proposed quarry if neighboring farmland becomes available? Such as the situation in Lockport, NY? <http://www.buffalonews.com/city-region/lockport/lafarge-quarry-expansion-unaddressed-in-draft-of-town-of-lockport-comprehensive-plan-20140427>



5-1-14

To the DEC -

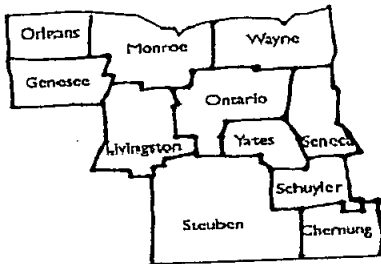
I was born and raised on Fletcher Chapel Rd in Medina, it's a beautiful area. I loved it then, and I love it now. I still have a sister and family, a nephew and family living on this road, and lots of friends. It would just devastate me and all else there if this quarry was allowed to be granted by the DEC. Talk about ruining quality of life - my God, come on! Nobody would want to move, but they would have to. And who would buy their houses and property? No one would want them - values would be zero. Then there is Iniquis Wildlife - who in their right mind would put a quarry right next to a wildlife refuge. That would be gone also. And maybe the biggest drawback of all would be the STAMP project going in south in the town of Alabama. Can't put that project in jeopardy. Please don't let this quarry be approved!

MUS S I YAM

Wally Rich

115 Roseland Ave.

Medina



FINGER LAKES CONSERVATION COUNCIL INC.
Representing Conservation within Region 8 of New York

B22
p011

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

May 1, 2014

Dear Mr. Sheeley:

The Finger Lakes Conservation Council (FLCC), representing over 12,000 members in the 11 counties of DEC Region 8, is aware of the importance of the aggregate mining industry to development, construction, infrastructure and the economy.

However, after reviewing the 7 volumes of the Environmental Impact Study, our council must oppose the proposed Frontier Stone quarry in the Town of Shelby.

The close proximity of two important NYS DEC Wildlife Management Areas (WMA) and the Iroquois National Wildlife Refuge is our main concern. The approximately 21,000 acres of wetlands used by waterfowl for migration stops and resident breeding could be compromised. These wetlands are also important to eagles, osprey, reptiles, amphibians, mammals and many species of shorebirds. The disruption in the area with drilling, blasting, stone crushing and traffic would have a negative effect on the peace and serenity necessary at the Federal Refuge and State WMA's.

There are concerns for the aquifer that feeds the marshes and wetlands in the area and the Oak Orchard watershed from this quarry. Oak Orchard Creek is an important economic and recreational asset to Orleans County. The concern is with heavy sediment in the runoff and discharge during the construction of the quarry. Another concern is the quarry's need to discharge up to 550,000 gallons of water each day to operate and what effect that would have on the surrounding wetlands and watershed during its estimated 75 year life.

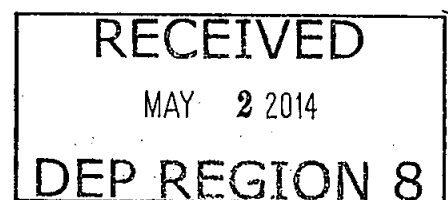
Therefore, the FLCC feels a quarry at this location is not worth the potential risks to the environment.

The FLCC would like to go on record as strongly opposed to the proposed Frontier Stone quarry in the Town of Shelby.

Sincerely,

Mike Elam

Mike Elam, President
Finger Lakes Conservation Council
13021 Hanlon Rd., Albion, NY 14411
(585) 682-4363
elam.mike.130@gmail.com

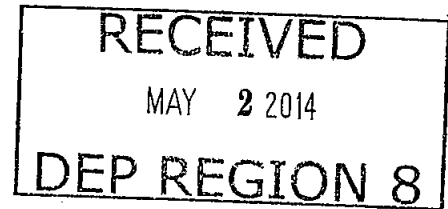


Mr. Scott Sheeley

DEC, Region 8 Office

6274 Avon-Lima Road

Avon, New York 14414-9519



B23
pg 1/1

Dear Sir:

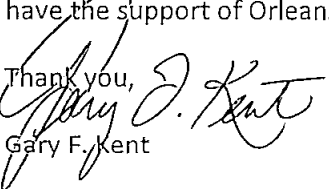
As a member of The Orleans County Federation of Sportsmen's Clubs, The National Wild Turkey Federation, and Ducks Unlimited, as well as President of The Orleans Bluebird Society, it is my informed view that there is certain to be an adverse impact that will be felt by endangered and threatened species and species of concern, from developing a stone quarry in such proximity to the Iroquois National Wildlife Refuge. Activity associated with a significant stone quarrying operation is likely to negatively impact the breeding, nesting and foraging of numerous bird species, resident and migratory. It goes without saying that Orleans County is also a crucial stopover--and resting place--for migratory birds using the Atlantic Flyway.

Habitat is lost in bits and pieces faster than it is being created on a daily basis in Orleans County. One need only drive barely two miles north on Route 63 to get an indication of how economic pressure is affecting one of Orleans County's principal assets--habitat diversity.

Putting both the environmental and economic values associated with the Iroquois National Wildlife Refuge at risk when there are numerous less environmentally sensitive locations for such an operation in Orleans and Niagara Counties may be convenient, but it is also imprudent. As Norm Wolfe notes in his book, *Birding in Central and Western New York**, approximately 100,000 visitors use the Iroquois National Wildlife Refuge annually. The departure of one pair of nesting bald eagles would be a major blow to the ability of the Refuge to attract visitors.

The people in this room span the political spectrum from left to right, but they are overwhelmingly united on this issue. I suspect most are here because they oppose granting a stone quarrying permit. They are an indication that Orleans County residents--regardless of political affiliation--appreciate and value Orleans County's place in furthering the interests of wildlife diversity.

It is my hope that your takeaway from the input you receive is that this is an idea that is 1.) ill-conceived, 2.) does not have the support of Orleans County residents.

Thank you,

Gary F. Kent

3806 Allen's Bridge Road

Albion, New York 14411

4/30/14

*Wolfe, Norman E., *Birding in Central and Western New York*, 160 pp., Footprint Press, P.O. Box 645, Fishers, New York 14453, www.footprintpress.com, copyright 2001.

B23
pg 1/1

From: Gary Kent <gkworking4u@hotmail.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/30/2014 4:21 PM
Subject: Proposed Stone Quarry

Dear Sir:

I am sending you a paper copy of what follows as well.*

As a member of The Orleans County Federation of Sportsmen's Clubs, The National Wild Turkey Federation, and Ducks Unlimited, as well as President of The Orleans Bluebird Society, it is my informed view that there is certain to be an adverse impact that will be felt by endangered and threatened species and species of concern, from developing a stone quarry in such proximity to the Iroquois National Wildlife Refuge. Activity associated with a significant stone quarrying operation is likely to negatively impact the breeding, nesting and foraging of numerous bird species, resident and migratory. It goes without saying that Orleans County is also a crucial stopover--and resting place--for migratory birds using the Atlantic Flyway.

Habitat is lost in bits and pieces faster than it is being created on a daily basis in Orleans County. One need only drive barely two miles north on Route 63 to get an indication of how economic pressure is affecting one of Orleans County's principal assets--habitat diversity.

Putting both the environmental and economic values associated with the Iroquois National Wildlife Refuge at risk when there are numerous less environmentally sensitive locations for such an operation in Orleans and Niagara Counties may be convenient, but it is also imprudent. As Norm Wolfe notes in his book, *Birding in Central and Western New York**, approximately 100,000 visitors use the Iroquois National Wildlife Refuge annually. The departure of one pair of nesting bald eagles would be a major blow to the ability of the Refuge to attract visitors.

The people in this room span the political spectrum from left to right, but they are overwhelmingly united on this issue. I suspect most are here because they oppose granting a stone quarrying permit. They are an indication that Orleans County residents--regardless of political affiliation--appreciate and value Orleans County's place in furthering the interests of wildlife diversity.

It is my hope that your takeaway from the input you receive is that this is an idea that is 1.) ill-conceived, 2.) does not have the support of Orleans County residents.

Thank you, Gary F. Kent 3806 Allen's Bridge Road Albion, New York 14411

*Wolfe, Norman E., *Birding in Central and Western New York*, 160 pp., Footprint Press, P.O. Box 645, Fishers, New York 14453, www.footprintpress.com, copyright 2001. }

Iroquois NWR
boundary

INWR

© Douglas H. Domedion

B24
pg
1/1

Scott,

I am against the proposed stone quarry
next to the National Wildlife of the Iroquois
Refuge area as it poses a threat to the
environment and wildlife there.

Sincerely,

Patricia Sacco

Lodi N.Y.

RECEIVED

MAY 2 2014

DEP REGION 8



B25
pg 1/1

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

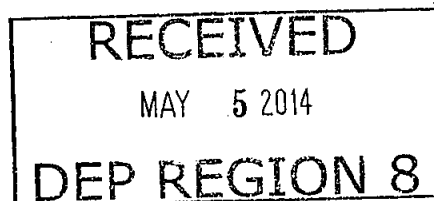
Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Cheryl Cree Affiliation: (if any) _____
City, State, Zip: Medina NY 14103 Telephone/ E-mail Address: Cheryl Cree @ hot mail. com

I am a NY state Taxpayer, I oppose the DEC
issuing a permit for Frontier Stone to dig a stone
quarry on land north of the wildlife refuge.
We do not need another stone quarry.
I live on Fletcher Chapel Rd. I love my house
and property. I've worked hard for what I have.
Please don't destroy the surroundings.

Respectfully,
Cheryl Cree





B2Ce
p01/1

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Lillian Schrader Affiliation: (if any) _____

City, State, Zip: Medina, N.Y. 14103 Telephone/ E-mail Address 585-798-2517

I am a Shelby resident against proposed quarry.
Frontier Stone because: protected wetlands, wildlife,
waterways, noise, water quality, quality of life and the economic
infrastructure and community constraints, So I say
No to the mining permit, No to a new zoning permit and
No to the new mine.

But a big Yes to (STAMP) Science Technology Advanced
Manufacturing Park could add alot of jobs to the area.

As Marcy Grimes Boyce said in the meeting When
negatives outweigh the positives it should be an easy decision!
No to Frontier Stone!

Thank you,
Lillian Schrader

| |
|--------------|
| RECEIVED |
| MAY 5 2014 |
| DEP REGION 8 |

B27
pg 1/1

Scott Sheeley

From: kimmers2000 <kimmers2000@yahoo.com>
To: "region8@gw.dec.state.ny.us" <region8@gw.dec.state.ny.us>
Date: 5/4/2014 10:16 PM

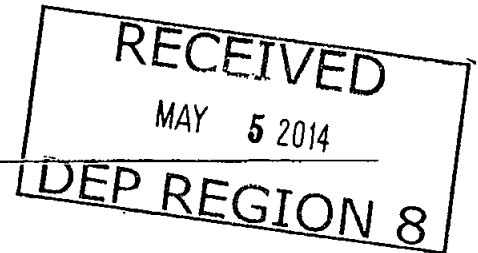
Hello. I'm from Williamsville and saw the story on the news about Frontier Stone proposing a quarry near the wildlife refuge. I know in the face of money and politics public opinion many times ends up on the losing end; and people's well being and the environment who cares right? But I would hope your state agency does the right thing and deny Frontier the chance to ruin such a crucial area of the state. The "studies" they're relying on are false and underhanded seemingly (a cousin is the chief geologist in the study? What does that tell you?). I'm in total support of the Shelby residents and am convinced it's a lose lose proposition for everyone but Frontier's handful of employees and owners. Thank you
Kim Rosteing

TOWN OF SHELBY
COUNTY OF ORLEANS
4062 SALT WORKS RD
P.O. BOX 348
MEDINA, NEW YORK 14103
PHONE: 585-798-3120
FAX: 585-798-1108

pg 1/3

B28

FAX TRANSMISSION



DATE: 5-5-2014

TO: Scott Sheeley

FAX NO: (585) 226-2830

FROM: Darlene

MESSAGE: this letter was mailed to the town board
Per the supervisors request I am sending
it to you Thank you

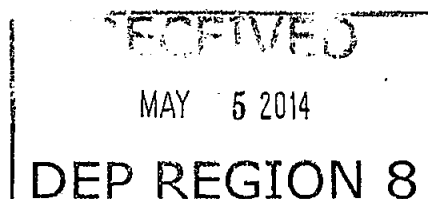
Darlene Rich

Sam Clark

NUMBER OF PAGES INCLUDING COVER SHEET 3
IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT THIS OFFICE
AT 585-798-3120

828
pg 213

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



Dr. Stephen Shewan
10645 West Shelby Rd.
Medina, NY 14103

Dear Mr. Sheeley and Region 8 NYS DEC Officers,

My name is Stephen Shewan. My wife Ruth and I are residents of West Shelby in Orleans County. I am writing this letter to oppose the proposed Frontier Stone Quarry in Shelby, New York.

The DEC mission statement is "to conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being" The DEC website also states that the DEC is the first place to call with specific questions such as how to obtain and renew DEC permits and how to find the best places to hunt, fish and enjoy the outdoors or to report issues involving environmental problems.

The Iroquois National Wildlife is one of the environmental treasures in the United States of America. Putting an unsightly stone quarry adjacent to this pristine area fails to conserve and protect New York's natural resources. The potential of impure water (there is a heavy amount of sulfur in the area of Sour Springs Rd.) leaking into nearby wells and possibly the Oak Orchard River fails to prevent, abate and control water pollution and certainly does not enhance the health, safety and welfare of the people of Orleans County!

It's obvious that this eyesore, the six-day-a-week blasting, combined with excessive truck traffic DESTROYS the social well-being of residents in the area. Economically, this could potentially hurt the fishing industry in Orleans County, if there is indeed impure water that is leaked into the creek, ruining people's lives economically. Finally, we have an opportunity to have a true economic windfall in the area: the STAMP project. If there is even a 1% chance that this stone quarry hinders our opportunity for this economic wind fall, it is within your mission statement to defeat it.

Finally, what about the wildlife? Who is to protect the innocents who do not have a voice? It's inconceivable that there is a debate about this issue. When I tell my friends and colleagues that there may be a stone quarry with blasting, truck traffic and destruction of land right where the NATION and STATE have committed their resources to PROTECT and DEFEND wildlife and natural habitat they can't believe it!!!

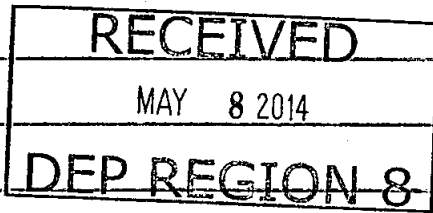
I am confident you are intelligent well-informed people and you WILL make the moral decision on this issue and say no to Frontier Stone. Please follow your mission statement and say no.

Sincerely,

Stephen and Ruth Shewan

pg 111
includes
15 photos
B2a

MAY 6 - 2014



NYS DEC -

I WOULD LIKE TO ADD MY VOICE
in opposition to the stone quarry in the
town of SHELBY

Others with more knowledge and
eloquence and have stated the case in opposition
in which I would agree. So let me add
what I can in the cause.

Enclosed are pictures I have taken,
dated w/ location on rear of prints.

The distance from the site is $1/2$ - 1 mile
from where they were taken. Some times
amongst the meetings and the words we tend
to lose sight of what is really at stake,
of what will be lost if this blight on
the land is allowed.

RICK DROMAN

4659 LINCOLN AVE.

LOCKPORT, NY

14094

15-2

MS C 100

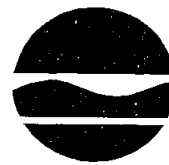
New York State Department of Environmental Conservation

Regional Director, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9516

Phone: (585) 226-5366 • Fax: (585) 226-9485

Website: www.dec.ny.gov



Joe Martens
Commissioner

B29
Continue
Pg 1/3

June 11, 2014

Mr. Rick Droman
6659 Lincoln Avenue
Lockport, NY 14094

Dear Mr. Droman:

Commissioner Martens has asked me to respond to your letter regarding the proposal by Frontier Stone in Shelby.

As you probably know, the process to review the proposal is underway. The most effective way to have the concerns you raise in your letter reviewed and responded to is to incorporate them into the formal record for this application.

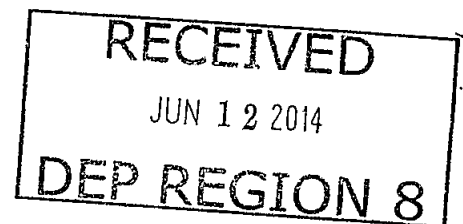
To that end, I have sent your letter to the members of my staff responsible for processing the application with instructions to include it along with any other comments received from the public. As you may know, a decision on a project subject to an Environmental Impact Statement will not be made without all relevant comments being reviewed and responded to by the reviewing agency. While it would be inappropriate at this early stage of the process to predict the outcome, I can assure you that a thorough review will be undertaken by my staff, and we certainly recognize and appreciate the tremendous value of the Refuge.

Thank you for your letter and your interest in this matter.

Very truly yours,

Paul J. D'Amato
Regional Director

Cc: S. Sheeley (w/incoming)



D'Amato thru Walsh-

B29 AA

cont. pg 3/3

Rick Droman

6659 Lincoln Ave.
Apartment Number
Lockport, N.Y. 14094
Phone (716) 946-4280

May 29, 2014

Joseph Martens
Commissioner of NYS DEC

Dear Sir,

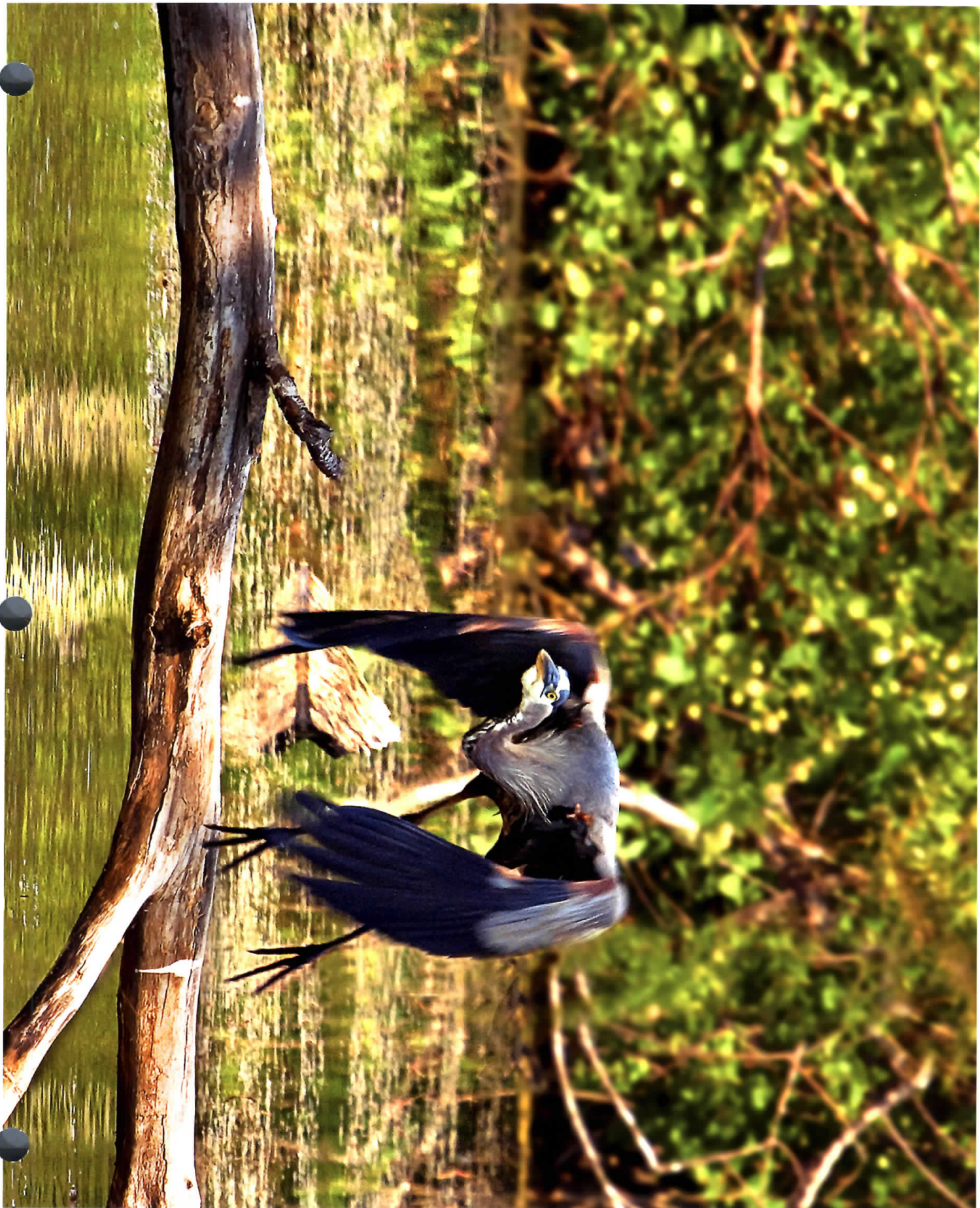
Let me state that I oppose the proposed stone quarry in the Town of Shelby, Region 8, adjacent to the Iroquois National Wildlife Refuge. The proposed site is $\frac{1}{4}$ - $\frac{3}{4}$ mile from a Great Blue Heron rookery, short eared owl fields, and grasslands known as the Forrestall Flats, which is breeding ground for at risk grassland bird species such as the Northern Harrier. Proposed trucking routes for the mine, at 240 trucks per day, would pass directly through the Iroquois Wildlife Refuge. From the numerous and important water issues affecting the residents of the area, to direct involvement of water disruption, contamination and management issues to Iroquois Wildlife Preserve and it's habitat, far more knowledgeable and fact specific people have cited the shortcomings of this project. What I hope to offer is a view, literally, of what is there now and what will be lost if this blight on the land is allowed to happen. Let there be no doubt that this will be lost, despite what the DEIS of Mr. Mahar of Frontier Stone says. The photos that I'm submitting are dated, with the location provided, on the rear. These were all taken in an area of $\frac{1}{4}$ to 1 mile from the proposed site. This is what will be affected, changed...lost. My hope is to give sight to the gifts to which we've been given and to protect that which has no voice. I have no doubt that the shame, perhaps far greater than anyone can realize at the present, will be felt if this project is allowed to continue.

Sincerely,

Rick Droman

B29
15 Photos

Pick Droman
6659 Lincoln Ave.
Lockport, NY 10024



RING NECK LAKE

7-5-2010

GREAT BLUE HERON

RECEIVED

MAY 8 2014

DEP REGION 8



RING NECK LAKE

5-15-2010

OSPREY





RINDNECK LAKE

4-26-13

OSPREY





RING NECK LAKE

4-18-2012

OSPREY



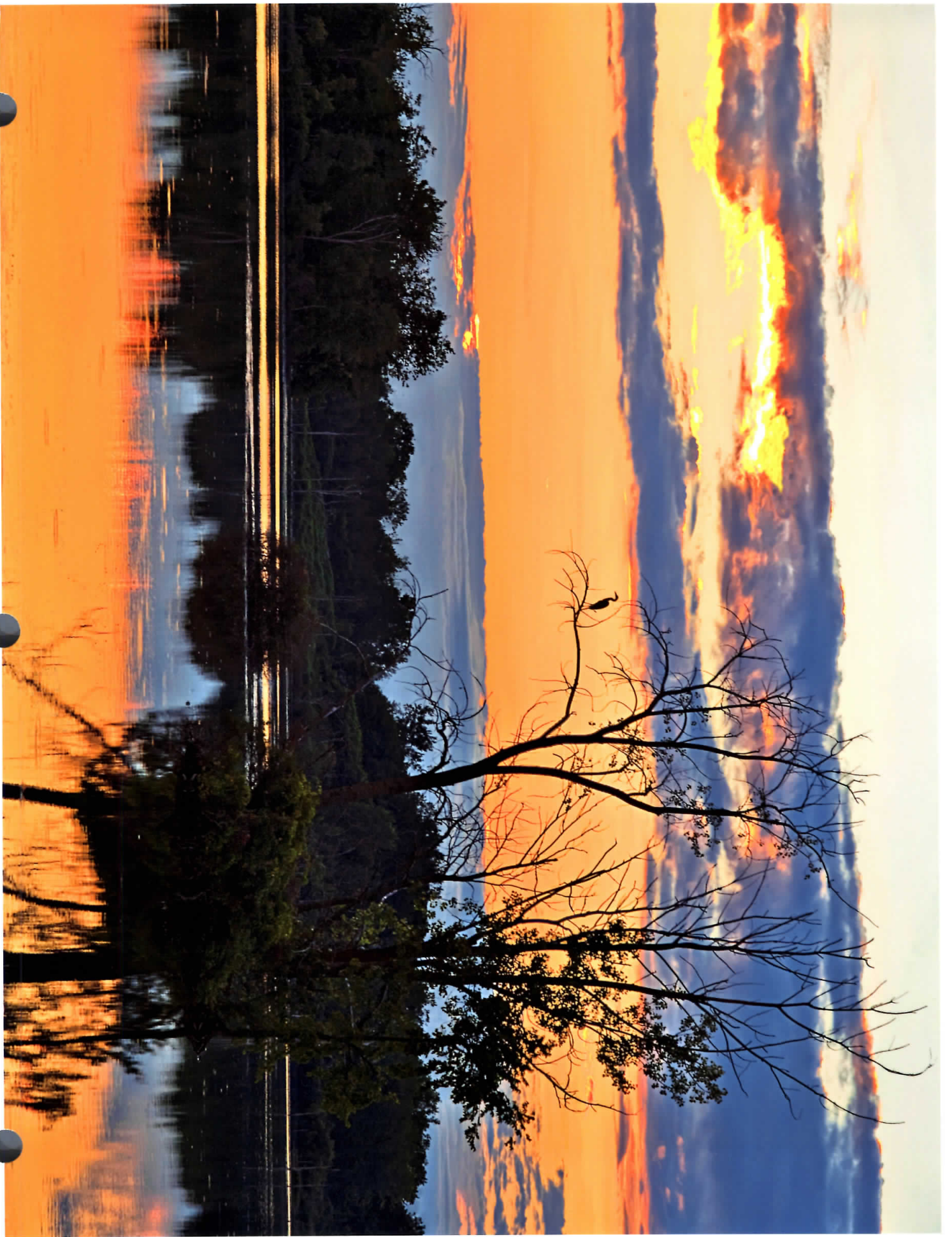


RING NECK LAKE

9-9-2012

JUVINILE OSPREY





RUNBNECK LAKE

8-17-2011

HERON





RINGNECK LAKE

2-4-2012

BALD EAGLES





RING NECK LAKE

7-18-2011





RING NECK LAKE

8-22-2011





BETWEEN Southwood Pesson Roads

3-6-2013

SHORT EAR OWL

ENDANGERED

CO DEC





BETWEEN Southwood, POSSON ROAD

3-7-2013

SHORT EAR OWL

ENDANGERED

@

DEC





BETWEEN Southwood, Possen Road

3-16-2013

Short ear owl

ENDANGERED

@
DEC





BETWEEN

SOUTHWOOD, POSSON ROAD

2-20-14

SHORT EAR ZWL

ENDANGERED

@

Dec





BETWEEN Southwood, POSSON ROADS

2-26-2014

Short ENR owl

ENDANGERED

@
DEC





BETWEEN Southwood, Passon ROAD

4-16-2014

Short ear owl

ENDANGERED

@

DEC



End of → B29

15 Photos

B30
pg 12

Miss Bonita A. Martin
10 Lakewood Village
Medina, New York 14103



Scott E. Sheeley, Regional Permit Administrator
DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519

May 7, 2014

Dear Mr. Sheeley:

I am a relatively new resident of Medina, having lived here since September, 2011. Before then I lived in Buffalo and spent many hours on weekends and summer evenings coming to the Iroquois National Wildlife Refuge. I have photographed literally thousands of pictures of the wildlife there.

I am writing to express my opposition to the proposal by Frontier Stone to open a stone quarry in the Town of Shelby in Orleans County. I was at the April 30 public hearing in the Shelby Town Hall. And was very impressed with the knowledge and research done by the Village and Town residents regarding this proposal.

I cannot speak a great deal about the science arguments put up by both sides. However, I can speak regarding the impact of a quarry. I work on the corner of Main Street and Harris Hill Road in the Williamsville/Clarence area of Western New York. Our address is zip coded Williamsville but we are in Clarence. We are a little over a mile away from a stone quarry that I believe is owned by LaFarge. Every day they set off a blast that shakes the building where I work. All these blasts have got to be doing damage to the foundations of the homes and buildings in the area.

In my reading, a few years back, I came across information that was very disturbing. I wish I could recall what book it was in, or the name of the location, but I cannot. But, the story was about a town or village in the mountains in Pennsylvania or Maryland that actually caved in and is no longer habitable because of the coal mining beneath it. Now, I understand that the quarry would not be digging or blasting under people's home. However, all this blasting from 8 AM to 4 PM five days a week plus some time on Saturdays, will cause damage to nearby homes' foundations, as well as disturb the rock foundation beneath the homes.

The reverberations will also be felt by the animals in the wild life preserve, less than a mile away, actually only a few feet away, on the other side of the power lines. In addition, it will negatively affect the technology projects going into the newly agreed upon STAMP project.

The road they plan to drive trucks on 480 trips a day is Oak Orchard Rd. which is the road visitors take to one of the popular overlook areas as well as a fishing spot. The blasting across the road and the heavy truck traffic will make this area undesirable for any visitors.

Route 63 through the wild life preserve was flooded a couple times this winter. With global warming, it will likely continue to be flooded when we get heavy rain and snow. The snow and flooding was also partly the cause of a fatal accident on this road in the preserve this past winter.

This past winter also saw many snowy owls along the Niagara River and around Buffalo, locations that are only 30 to 40 miles away. Rare birds and migration flight paths are changing due to climate changes. No one can predict what formerly rare species may be flying through our Iroquois Wildlife Refuge in the not too distant future. This will bring many bird watchers and nature photographers to this area.

One thing that deeply concerns me in addition to all of this is the shortsighted vision, we as a people, have. Yes, 75 years seems pretty long term. But in the overall picture it is relatively short term. It was stated that this stone is needed for roads, bridges, buildings, hospitals, and schools. The next statement was that the stone is a non-renewable resource. It does not reproduce or come back up, like a tree, when you remove it from the ground. And, there is only so much of this resource that is accessible.

The long term picture is that eventually, we will have dug up every possible part of the earth and still need to build roads, schools, etc. What will the people use then? Why must we constantly take from our earth? Why not begin now figuring what can be used for roads, rather than leaving it for a future generation? Why must we continue to damage our fragile planet, taking and using the resources with no concern for what we are doing?

I also have to question why they are so insistent upon putting this quarry in this location. It seems rather clear that the people in the town and the Town itself do not want it here; do not see a need for it here; and do not see much benefit to it being here. Instead of spending hundreds (or is it now thousands?) of dollars trying to prove it is a good place for it and then trying to convince people they should want it, why not accept the clear message that it is not wanted here, and go elsewhere?

In conclusion, I am respectfully requesting that you deny this proposal.

Respectfully,



Bonita A. Martin

CC: Shelby Town Clerk



B31
pg 1/1

RECEIVED
MAY 12 2014
DEP REGION 8

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Written Comment Form

Our Farm is at 5174 Edwards Rd, Medina. It borders Zelazny property. If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Dianne L. Domoy

immediate neighbor of quarry site
Affiliation: (if any) member Domoy Farms LLC

City, State, Zip: 3291 Drake St Rd, Oakfield Telephone/ E-mail Address 585-948-9894

I am a co-owner of Domoy Farms LLC, located at 5174 Edwards Rd, Medina, N.Y. I am very opposed to the proposed quarry on the south side of Fletcher Chapel.

This site abuts our farm. The continuous blasting and mining will cause structural damage to our large crop dryers, the concrete foundation to the grain storage bins, the barns and shop. Potential damage to underground propane lines and water lines. Explosions and fire potential would increase. Being 4th generation farmers, this large quarry takes valuable soil out of production.

The Iroquois National Wildlife Refuge borders to the South. Mining in this area would affect water table levels, create huge amounts of dust and mineralized runoff. The blasting noises would disturb the ecology of these wet lands.

I oppose the quarry due to the impact on the new "Stamp Project," in the town of Alabama. A few quarry jobs with wealth to one company, doesn't warrant losing the nano technology parks. That would create thousands of jobs! This project must not be impeded by a quarry only three miles away.

Please consider the citizen's quality of life in this area. Please deny the mining permit.

May 9, 2014

BSJ
P0113



American Pride

Mr. Sheeley, please forgive the misspelled word in the 4th line of paragraph 2, namely "yhe" instead of "the"

Mr. Scott E. Sheeley
NYSDEC Region 8 Office
6274 Avon-Lima Road
Avon, New York 14414-9519



Dear Mr. Sheeley:

I am strongly opposed to approval of, or issuing a permit for, a stone quarry in the town of Shelby, Orleans County. I attended the April 30th hearing concerning this matter.

My opposition is based on the serious negative impact a stone quarry would have on the Iroquois National Wildlife Refuge, if located as is proposed. Enclosed is a copy of my June 14, 2007 letter to Mr. David L. Bimber, of the NYSDEC, giving many of yhe reasons why I oppose the proposed stone quarry.

The DEC must have as its' Mantra, the wise use and protection of our natural resources. The location of a stone quarry in Shelby at the proposed site would be very unwise.

The Iroquois National Wildlife Refuge is truly a natural treasure. Please don't allow it to be jeopardized by short-term considerations. For the sake of our environment, this proposed stone quarry must be disapproved.

Sincerely,

Jack H. Seedorf

Jack H. Seedorf
1587 Nash Road
North Tonawanda, NY 14120-1814



June 14, 2007



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

Dear Mr. Bimber:

A stone quarry is proposed for operation by Frontier Stone, LLC in the town of Shelby, Orleans County. It is proposed to be located just north of the Iroquois Natural Wildlife Refuge (INWR). Except where separation from the refuge exists due to the right-of-way for electrical utility HV power lines, the proposed quarry could be contiguous with the refuge northern boundaries.

A Dept. of Natural Resources study of three limestone quarries in southern Minnesota found that at all three sites, the local ground water hydrology had been altered downward. In essence the quarries acted as huge wells, lowering the local water table.

Based on the study of these three sites it is reasonable to conclude that the proposed Shelby quarry will drain and decrease the water in the Iroquois ponds and marshes. A further water level decrease will occur if large amounts of water are used to wash the mined stone, exhausting the local supply and lowering the water table.

The “Alabama Swamps” (INWR, Wildlife Management Areas – Tonawanda & Oak Orchard) provide refuge for nesting, resting, staging, and feeding waterfowl. The varied habitat therein also supports many other wildlife species such as resident and migratory birds, mammals, reptiles, fish, and amphibians as well as diverse plant life.

From 1986 to 2006 the “Alabama Swamps” have fledged, from nests therein, 50 American Bald Eagles: 38 at Iroquois and 12 at Oak Orchard. Presently there are three known nests in those two locations.

Bald Eagle nesting areas are almost always situated near water, or wetlands, since much of an eagle’s diet is associated with water. A continued loss of wetlands poses a threat to our eagle population, as well as to our waterfowl. We must not allow that to happen!

The INWR is a wildlife treasure. To jeopardize it’s effectiveness to continue providing the basic needs of the numerous wildlife that utilize this habitat would be both an ecological and a moral error, only the magnitude of which is unknown.

We are the stewards of our lands and the creatures that inhabit them. Please do what you can to stop this proposed quarry from becoming a reality. If realized – it could drain life blood from these precious wetlands!

Thank you.

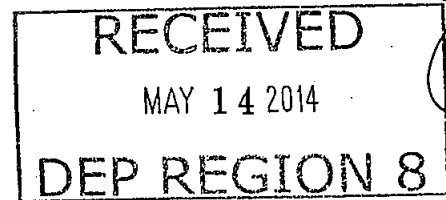
Sincerely,

Jack H. Seedorf

Jack H. Seedorf,
INWR Volunteer
1587 Nash Road
N. Tonawanda, N.Y. 14120-1814



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



pg 1/1

Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or mail to NYSDEC. Please remember to print legibly.

Name: Betty & Gordon Grumie Affiliation: (if any) _____
City, State, Zip: Shelby, Medina, N.Y. 14103 Telephone/ E-mail Address (585) 798-2318

I strongly oppose the stone quarry. I live at 5070 S Gravel Road just down the hill from Fletcher Chapel Rd. I would just hate to see the Frontier Stone Quarry to ruin all the wonderful bird sanctuaries I drive school bus for a living. I have driven many classes to the Nature walks. Some of these children would have never seen all this beautiful country side and the Nature Trails.

Also I hear the Teachers Talk about the importance of nature & their habitat. They also Talk about littering. I've talked about some good points to consider when you make your decision.

Thank you!

A personal note ...

to whom it my concern -

I am in favor of
the proposed Stone Quarry
development for Fletcher
Chapel Road. town of
Shelley - New York State.

Elyse B. Bateman
resident
11482 Harrison Rd.
Medina - N.Y.
14103

RECEIVED

MAY 19 2014

DEPT REGION 8

A personal note ...

Ms. Elizabeth Bateman
11782 Harrison Rd.
Medina, NY 14103-0748

ATT Scott E. Sheely;

B35

pg 1/1

As an retired Farmer,
I am in Favor of the Proposed
Stone Quarry on Fletcher Chapel
Rd - in Town of Shelby, on the
Zelayney Property. This will
give the Farmers access to a Top
Notch grade of Limestone Powder.

Yours
J A Szalay —

11782 Harrison Rd. Medina
Town of Shelby

... personal note ...

RECEIVED

MAY 19 2014

DEP REGION 8

Joseph Szalay
11782 Harrison Rd.
Medina, NY 14103

... personal note ...

Ron & Roberta Furness
105 East View Drive
Medina, NY 14103
May 24, 2014

Mr. Scott E. Sheeley
NYS DEC, Region 8 Office
6174 Avon-Lima Road
Avon, NY 14414

Dear Mr. Sheeley:

We are writing to express our concerns over the DEC's EIS in regard to Frontier Stone's proposal to mine limestone next to the Iroquois National Wildlife Refuge. This refuge is the treasure of our area and a vial refuge for numerous species of birds that both migrate through and make it their home.

We are also deeply concerned that the more than half a million gallons of water that will have to be pumped every day will eventually end up in the Oak Orchard River. The harm to this river cannot be honestly calculated and not reversible once it happens.

While the impact on Iroquois NWR is our utmost concern, we also challenge the impact on a peaceful farmland environment caused by vibrations from blasting, drilling, front end loaders and crushers, besides the constant traffic of huge trucks transporting this product over our country roads and next to our beloved refuge. And who is going to pay for the maintenance and upgrading of these roads.....Frontier Stone or us already overburdened taxpayers???

All this blasting and the dust it will produce will no doubt affect the decision of the companies in the STAMP Project who are considering land in this same area. This project would provide hundreds of jobs for our area, compared with the mere 15 that Frontier Stone is citing.

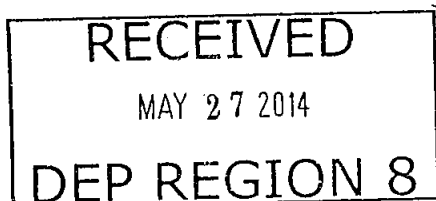
We know that this project is a huge money maker for Frontier Stone, but at what expense to our wildlife and our refuge which is a huge tourist draw to an impoverished area. We have personally experienced the impact of big business and what harm it can do to the environment, as we live in close proximity to the sprawling ethanol plant here in Medina. Our once quiet and peaceful neighborhood now endures constant rattling of our windows from the running of this monstrosity, plus putting up with the smell of yeast which it creates. All this for paltry 40-50 jobs held mostly by out-of-the-area people!

We urgently request that you give serious consideration to the impacts that this impending project will make to this area and deny Frontier Stone the permits to mine at this site. Thank you for hearing our concerns.

Sincerely,

Ronald C. Furness
Ronald C. Furness
Roberta M. Furness
Roberta M. Furness

rmf



Dona Masters · 4 Evergreen Terrace · Medina, NY 14103
585-798-1672
dmast@rochester.rr.com

May 25, 2014

Scott E. Sheeley
NYS DEC, Region 8 Office
6274 Avon-Lima Road
Avon, NY 14414-2830

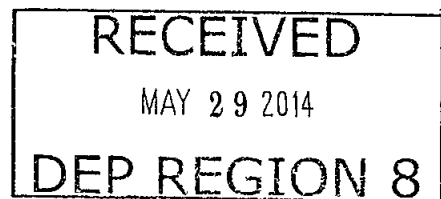
Dear Mr. Sheeley,

I am writing to oppose the proposed quarry in Shelby Township, Orleans County. Because Frontier proposes to blast and dig below the current water table, there will be negative consequences for the wildlife refuge and homeowner's wells. The underground movement of water in this area is from south to north. The quarry would interrupt this flow with probably negative impact on the waters in the refuge.

Frontier would profit from this quarry for 75 years, during which time the local residents will have had to endure blasting and heavy truck traffic as well as the loss of their wells. The impact on the refuge will last more than 75 years.

Yours sincerely,

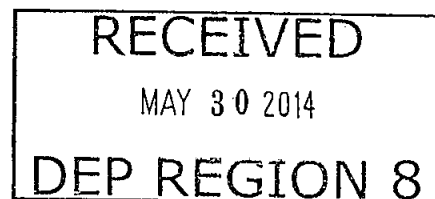
Dona Masters



May 27, 2014

To: Scott Sheeley, Regional Permit Administrator
DEC Region 8

Merle Draper, Shelby Town Supervisor



Mr. Sheeley and Mr. Draper,

In an article on May 25, 2014, the Buffalo News announced the successful return of the Bald Eagles to the Iroquois National Wildlife Refuge. As residents of the town of Shelby for over 25 years, it is with pride that we tell people we live 3 miles from a national wildlife refuge and the response is always positive.

Now a proposed stone quarry is threatening the beautiful INWR. Is there really no other location for the quarry? When the mining at the quarry has a negative impact on wildlife, how long will it take to correct that effect?

If the area targeted is rezoned as industrial, it will have an adverse effect on the value of residential property. We doubt that people would find it appealing to live near a quarry and certainly if this operation moves in, homeowners will not.

Please do your part to protect the now restored Eagles and the other flora and fauna of the INWR. We have a fabulous resource in our back yard and this new threat adjoining it will be something we will regret for many generations. We implore you to be good stewards - be our voice - and do your part to prevent this from happening.

Thank You

Henry Beamer
HENRY BEAMER
10181 WEST SHELBY RD
MIDDLEPORT, NY 14105



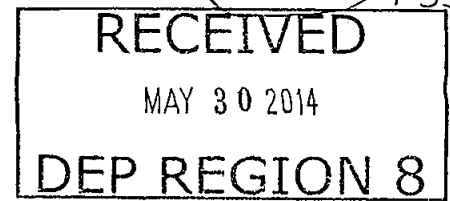
SIERRA
CLUB

FOUNDED 1892

ROCHESTER REGIONAL GROUP

P.O. BOX 10518, ROCHESTER, NEW YORK 14610-0518

585-234-1056



Scott E. Sheeley
DEC Region 8
6274 East Avon-Lima Road
Avon, NY 14414

May 29, 2014

As long-time guardians of wild and scenic lands, the Rochester Regional Group of the Sierra Club is strongly opposed to the proposed 210 acre Frontier Stone Quarry adjacent to the refuge. The constant disruption of industrial activity at such a site, involving trucks and heavy equipment in operation from April through October from 6 AM-6 PM Monday through Friday and 6 AM-12 PM on Saturday will be detrimental to wildlife and the enjoyment of the natural surroundings. These are two essential functions of a wildlife refuge.

According to your reports, this would mean 240 trucks per day leaving the mine site on Fletcher Chapel Road going south on Sour Springs Road, west on Oak Orchard Ridge Road and entering Route 63 near Oak Orchard Creek. This route travels directly through the Iroquois National Wildlife Refuge. The proposed mine site is just north of Center Marsh. Truck traffic would be routed between Schoolhouse Marsh and Ringneck Marsh. In addition, the route would directly pass the grassland known as Forrestall Flats, which is a breeding ground for at risk grassland bird species such as Northern Harrier. The Great Blue Heron Rookery is south of the mine site by just 3/4 to 1 mile. The Posson Road Short-eared Owl fields are 1/4 mile from the proposed mine site.

An estimated 455,000 gallons of water per day would be drawn from Oak Orchard Creek for mining operations. Once the water is used, it would be pumped into a ditch 300 feet from the refuge border. Water from the drainage ditch will flow directly into Schoolhouse Marsh. Water quality decreases are predictable and would worsen as mining depth increases. In addition, we now have to account for increased frequency and severity of extreme weather events such as the heavy rains that recently affected Penn Yan. Typically, water control efforts for industrial areas are not designed to withstand these onslaughts and severe overflows occur, a significant risk for the wildlife reserve. Ebb and flow of water levels and chemical contaminants will adversely effect the marsh inhabitants.

I have also learned that Another negative aspect to this proposal is the proximity of the proposed mine site to the Department of Labor Job Corps which employs 110 people and has 250 students. The Department of Labor can move the Job Corps anywhere and it is likely a move would be considered once blasting commenced. The proposed mine claims to provide between 6-16 jobs. The Job Corps has always partnered with the refuge on such projects as highway cleanup, refuge construction projects and Spring Into Nature, the refuge's major public outreach event. The Job Corps also allows the refuge and The Friends of Iroquois to conduct a Purple Martin breeding program on their premises. Purple Martins declined in New York State by 40% between the last two NYS Breeding

Bird Atlas Surveys. The project at Job Corps has fledged hundreds of Purple Martins in the past five years. Blasting is certain to disrupt this project.

All in all, it is evident to me that permission of mining as proposed at this site would violate the goals of the Department of Environmental Conservation regarding the protection and management of natural space for wildlife and human enjoyment of nature and damage the area for future recreational use for the residents of the Town of Shelby. I urge you to deny the permission for this mine.

Sincerely,

A handwritten signature in cursive script that reads "Peter Debes".

Peter Debes
Chair
Rochester Regional Group
of the Sierra Club

B39
COPY
Pg 1/3

frontierstone - FW: Frontier Quarry Mine Proposal

From: Darlene Rich <DarleneRich@townofshelbyny.org>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/29/2014 2:46 PM
Subject: FW: Frontier Quarry Mine Proposal
Attachments: Shelbymine.OakOrchard.6.2014.doc; ATT00001.htm

Dear Scott,

Attached is a letter that came to my supervisor in respect to the proposed stone quarry. I am forwarding on to you before the extension of time runs out. I will be emailing a few more letters that came through email. Thank you for your attention to this matter.

Sincerely,

*Darlene Rich, CMC/RMC
Town Clerk/Tax Collector*

Town of Shelby

4062 Salt Works Road

Medina, NY 14103

(585)798-3120 ext. 301

Fax (585)798-1108

Email: darlenerich@townofshelbyny.org

From: Skip draper [skipdraper@verizon.net]
Sent: Thursday, May 29, 2014 2:22 PM
To: kschaal-external; Dale Stalker; seitz-external; William Bacon; Darlene Rich
Subject: Fwd: Frontier Quarry Mine Proposal

FYI

Sent from my iPhone

Begin forwarded message:

Resent-From: <mdraper@townofshelbyny.org>
From: Peter Debes <phdebes@frontiernet.net>
Date: May 29, 2014 at 9:43:40 AM EDT
To: <mdraper@townofshelbyny.org>
Subject: Re: Frontier Quarry Mine Proposal

Merle Draper
Town of Shelby Supervisor

Dear Supervisor Draper,

The Rochester Regional Group of the Sierra Club has been alerted to the request for a commercial rock mining operation adjacent to the Iroquois Wildlife Refuge. I am attaching a letter stating our opposition to this proposal. There will always be demands to profit by extraction of natural resources adjacent to protected areas and this will have a long-term and probably permanent affect on the reserve. I hope your town decides not to allow this mine to operate in that location. We must protect the small remaining preserves in light of our always increasing population and impact on our planet.

B40
pg 1/1

From: "Meier, Scott" <stmeier@buffalo.edu>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/16/2014 8:38 PM
Subject: Oppose 215 Acre Quarry

Please accept this email as a comment opposed to the proposed 215 acre quarry near the Iroquois NWR.
This is too close to the NWR and potentially endangers the water there.

Thank you,

Scott T. Meier, Ph.D.
80 Londonderry Ln
Getzville, NY 14068

B411
pg 1/1

From: Liz Goodfellow <e.goodfellow@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 11:01 AM
Subject: quarry near Iroquois NWR

Dear Mr. Sheeley,

Just adding my voice to the opposition to the proposed stone quarry next to the Iroquois National Wildlife Refuge. The threat to its environment and the wildlife are very concerning.

Thanks for your time.

Liz Goodfellow
Rochester, NY

B42
pg 1/1

From: "Leo Kellett" <lkellett@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 11:23 AM
Subject: INWR

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. It seems like it would threaten the water levels and thereby ruin the habitat.

From: Pamela Underhill Karaz <pkaraz@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 12:54 PM
Subject: Proposed Stone Quarry

B43
pg 1/1

Dear Mr. Sheeley,

I recently found out about the proposed Stone quarry to be adjacent to the Iroquois NWR. I'm aghast that such an operation is even considered next to a place that is environmentally and wildlife sensitive. Living near Gravesville, NY we have a sand and gravel operation that even though DEC occasionally monitors their activities, it is impossible to constantly keep them in check, they are always pushing it to the limit and blasting at higher levels then should be allowed. Residents who live a half mile away literally have their sheet rock cracked open from the blasting. The truck traffic alone has altered the normal quiet area with their traffic, air brakes and exhaust. To allow a stone quarry next to a wildlife refuge is basically a death sentence for it's future.

Sincerely,
Pamela Karaz
6186 Military Rd
Remsen, NY 13438

315-292-8575

B44
pg 1/1

From: Susie Cotsworth <susiekc11@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 2:35 PM
Subject: stone quarry

"I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife."

B45
pg 1/1

From: Gerry Rising <insrisg@buffalo.edu>
To: <frontierstone@gw.dec.state.ny.us>, Genesee Birds <geneseebirds-l@genesee...
Date: 4/28/2014 3:20 PM
Subject: Statement

I propose to submit the following statement at the meeting in Shelby on Wednesday and I hope others will address this problem as well:

Submission regarding the proposed Frontier Stone quarry in Shelby, New York by Gerald R. Rising, retired University at Buffalo professor and former member of the Friends of the Iroquois National Wildlife Refuge:

A two-year study of this proposed quarry was carried out by the United States Geological Survey in 2009 and 2010. The report summarized, "The potential development of a bedrock quarry in the Lockport Dolomite bedrock along the northern border of the Refuge may affect the nearby Refuge wetlands. The extent of drawdown needed to actively quarry the bedrock could change the local hydrology and affect groundwater-flow directions and rates, primarily in the Lockport Dolomite bedrock and possibly the Oak Orchard Acid Springs area, farther to the south."

We could, in other words, destroy the value of over ten square miles of ponds and marshlands of the Iroquois, Oak Orchard and Tonawanda refuges.

I offer two related comments.

First, those who propose this quarry claim that the probability of draining the nearby refuge lakes and marshes is low. In probability there is a concept called expectation. Expectation is the product of the probability of a result and the expected outcome of that result. Thus people are willing to play the lottery because, although the probability of winning is low, the prize is large. In this case even if we buy the proposers' low probability, the associated possible outcome is not just high but also irreversible. Surely that expectation is not just large and threatening but unacceptable.

It is also appropriate to bring historical evidence to bear on this situation. Has anything like this ever happened here in the past? Indeed it has. A few thousand years ago this entire area was covered with the shallow water of Lake Tonawanda. Natural changes in the rock formations contributed to the drainage of that entire lake that once covered much of Niagara and Orleans Counties all the way east to Holly. Man-made changes can do the same today.

This proposed quarry has been rejected in the past. I urge that it be rejected once again.

(B46)
Pg 1/1

From: <lfromroch@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 4:21 PM
Subject: stone quarry

I'm against the proposed stone quarry next o the Iroquois National Wildlife Refuge because of the threat to the environment and wildlife there.

Thank you.

Lynn Willard

B47
pg 1/1

From: Linda Reehling <alps46@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 4:22 PM
Subject: Stone quarry

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. This refuge and the wildlife it supports have been here long before us and if left alone will be here long after us. The refuge was set aside for a reason lets not allow a stone quarry to infringe upon what our ancestors did. Birders like myself travel great distances to view the wildlife. While in the area we eat, sleep, buy gas, snacks, etc. All of this supports the economy. A stone quarry supports the owners.



B48
pg 1/1

From: "Joy Gartland" <dooley96@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 4:31 PM
Subject: proposed quarry

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wildlife.

Joy Gartland

96 Battlegreen Dr

Rochester NY 14624

B4a
pg 1/1

From: Debbie Morse <debmorse253@gmail.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 4:38 PM
Subject: Quarry next to Iroquois NWR

I spent many hours of my youth enjoying the wildlife on Iroquois and participated two years in the YCC program. I am appalled to think of a quarry going in that would destroy this wonderful natural treasure. Let us hope that enough citizens voices are heard to nix this proposal once and for all!

Dabrina Morse
Sent from my iPhone

B50
pg 1/1

From: <llo522@aol.com>
To: <frontierstone@gw.dec.state.ny.us.>
BC frontierstone
Date: 4/28/2014 5:51 PM

April 28,2014

Dear Mr. Sheeley,

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. How devastating to the environment and wildlife this will be!
Please rethink this proposall

Sincerely,
Lori A Conley

From: <jsamson@sc.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 6:13 PM
Subject: Iroquois National Wildlife Refuge

B51
pg 1/1

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wildlife.

Janice Samson

(B52)
pg 1/1

From: Richard Thomas <rdt.thfc@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 8:39 PM
Subject: Stone Quarry near INWR

Mr Sheeley

Iroquois National Wildlife Reserve is designated as such because of the importance of the habitat it provides. It is a crucial, lifesaving, stopover for many migrants, shorebirds and waterfowl in particular. It is also a preserved environment designed to allow breeding grounds for some threatened species, less often seen in this part of the USA due to decreasing habitat.

The Reserve land itself is obviously vital, but the surrounding environs are as important. A quarry, with the inevitable increased noise pollution, air pollution, dust generation all threaten INWR. However, over and above these issues, is the concern regarding potential alteration of drainage patterns of "The Swamps". INWR is managed to ensure appropriate wetland for these birds. If the land is drained, even accidentally or as an unanticipated side-effect of the quarrying, it may never regain it's original essential nature.

As the government agent charged with environmental conservation, I cannot imagine that the DEC can in good faith allow this quarry project to go ahead.

I urge you to reject the application.

Yours

Richard D Thomas

353
pg 1/1

From: Russ <dynaguy_98@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/28/2014 2:52 PM
Subject: Comment - Stone quarry next to the Iroquois NWR

I'm writing to let you know that I'm opposed to a stone quarry next to a national wildlife refuge because of the threat to the NWR's environment and the effect on it's wildlife.

Russ Wuest
9292 Kennedy Rd
Marcy, NY 13403

B54.
pg 1/1

From: "lilirene@frontiernet.net" <lilirene@frontiernet.net>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/29/2014 9:27 AM
Subject: Stone quarry proposal

I am writing to voice my concern about the proposed stone quarry site near the wildlife sanctuary @ Iroquois National Wildlife Refuge. I am a long time NYS native and know this area/state is a rocky one having survived the last Ice Age and there must certainly be many sites you can consider with less habitat destruction for our native flora and fauna.
Thank you for your time....I will be following this proposal for the future. Sincerely, Deborah West

B55
p01/1

From: <JOYCEOWL@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 4/29/2014 11:02 AM
Subject: Iroquois National Wildlife Refuge

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife.

B56
pg 1/1

From: Dawn Washington <treelover77@hotmail.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/29/2014 2:22 PM
Subject: Comment on the Proposed Stone Quarry Adjacent to Iroquois NWR

Mr. Sheeley,

I am writing to comment on the proposed stone quarry adjacent to the Iroquois NWR in Alabama, NY. I'm against the proposed stone quarry because of the threat to the environment and the wildlife that live there. Due to the topography of the area water will drain onto the Refuge as the quarry pumps water out during their operations. Studies have shown that the water is brackish and this water would ultimately enter a freshwater system. This will have devastating and long lasting effects on the vegetative communities and ultimately the wildlife that live there.

Please deny the request to allow the proposed stone quarry adjacent to Iroquois NWR.

Sincerely,

Dawn Washington 1834 George Washington Hwy. Oakland, MD 21550 410-418-0878

B57
pg 1/1

From: joe forma <joetrap@hotmail.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/30/2014 11:13 AM
Subject: Proposed quarry

Sirs,

I am totally opposed to a quarry on the border of INWR. The risk of damage to its environment and wildlife is unacceptable. The Refuge is a rare and precious asset to life in WNY and important to the waterfowl and wildlife it supports. Please deny any necessary permits.

Thank you

Joe Forma

B58

pg 1/1

From: Dennis Money <whitebuck47@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/30/2014 11:35 AM
Subject: Quarry project comments

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. I also support Dr. Rising's comments on the effects such a quarry could have on such valuable habitats and its resources. Such a project could easily destroy what has taken nature decades to accomplish and once impacted would be extremely difficult if not impossible to repair.

Dennis Money
4780 Deuel Road
Canandaigua NY

B59
Pg 1/1

From: Patricia Fox <lamamama@rochester.rr.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/30/2014 5:38 PM
Subject: Proposed stone quarry

I am definitely against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wildlife. Signed concerned citizens, Bob and Pat Fox

Sent from my iPad

B60
P81/1

From: "Hollister, Christopher" <cvh2@buffalo.edu>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 4/30/2014 7:06 PM
Subject: Decision on Iroquois NWR...

Dear Mr. Scott Shelley...

I wish to add my voice to the chorus of those who strongly oppose the proposed stone quarry next to the Iroquois National Wildlife Refuge. As you must surely know, a two-year USGS study of the area in 2009-2010 found that there is potential for the proposed quarry to affect the wetlands of the refuge. For Heaven's sake, please do not allow this to happen!!!

Sincerely yours...

Christopher Hollister

--

Christopher Hollister
Associate Librarian
524 Lockwood Memorial Library
University at Buffalo
Buffalo, NY 14260
Phone: (716) 645-1323
Fax: (716) 645-3859
E-Mail: cvh2@buffalo.edu<mailto:cvh2@buffalo.edu>

For the sake of our songbirds,
please choose coffee that comes
from shade grown coffee plantations.

(B66)
pg 1/1

From: Marty Launer <mllauner@rochester.rr.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/1/2014 8:07 AM
Subject: Quarry proposal

Please respect the environment and migration area where a quarry is being considered by Iroquois!
Thank you,
Marty Launer

Sent from my iPad

B62
pg 1/1

From: Dan Ward <djw159159@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>, <mdraper@townofshelbyny.org>, <kscha...
Date: 5/1/2014 9:22 PM
Subject: Proposed stone quarry next to Iroquois National Wildlife Refuge

Gentlemen- Please add my name to the many opposed to the proposed stone quarry project adjacent to the Iroquois National Wildlife Refuge in the Town of Shelby. This is a most inappropriate land use for this critical environmental area. While we have to have stone quarries, and they have to be somewhere, and this one is proposed for this location, I cannot think of a worse place to site such an environmentally disruptive business and activity given the great wildlife treasure we have in the Iroquois. It has consequences and benefits far beyond the limits of Shelby, although you are the gatekeepers, and the trustees of the environment here for all of us. Do the right thing, say no, and send the quarrymen elsewhere. Thank you.
Respectfully, Dan Ward.

B63
pg 1/1

From: jeanette schneider <jeanetteschneider207@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/2/2014 5:22 AM
Subject: Iroquois National Wildlife Refuge

I am against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wildlife.

It behooves you to attend to the already existing destruction to nature, and wild life!

B64
pg 1/1

From: William Watson <williamwatsonsr@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/2/2014 8:07 AM
Subject: Water Table lowering due to Quarry

Dear Sir or Madam:

As one who has a Master's Degree in Geological Science, and frequently studies waterfowl in the Alabama Swamps, I am very concerned about the lowering of the water table at Iroquois NWR, Tonawanda WMA, and Oak Orchard WMA. In order to operate a quarry, water must be pumped out of the quarry to keep it dry. This results in a cone of depression that lowers the water table in surrounding areas such as Iroquois NWR, and destroy it current aquatic natural environment.

Sincerely Yours,
William Watson
771 Fletcher Street
Tonawanda, NY 14150
MA Geology 1970
University of Buffalo

B65
pg 1/1

From: James Hazel <jjjo19@verizon.net>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/2/2014 4:42 PM
Subject: Stone Quarry In Shelby

I am opposed to a stone quarry so close to Iroquois National Wildlife Refuge. The possible harm to wildlife and wetlands is not warranted.

James Hazel
jjjo19@verizon.net

Ble
pg 1/1

From: <jeaniebeanie21@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/3/2014 9:35 PM
Subject: Stone Quarry

To Whom It May Concerns:

"I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife."

Jean Brundage

B67
pg 1/1

From: <oakesdavid3397@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/4/2014 3:59 PM
Subject: stone quarry

As are population rises, are wild places be come less and less. So the one's we still have become more important and should be protected from development. We need places to go were we can observe wild life and hear the sounds nature makes. A quarry along side the INWR would take away from the quality of the experience. Quarry's Use heavy equipment that makes lots of noise along with dynamite. How does that make for a quality experience when your trying to in joy some quiet time.

DON'T ALLOW THIS TO HAPPEN

David Oakes

Ble8
pg 1/1

From: JoAnn Lang <jolang@twcny.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/4/2014 7:35 PM
Subject: Proposed Stone Quarry

Dear Mr Sheely,

I have just recently learned about a proposed stone quarry next to the Iroquois National Wildlife Refuge in Basom, New York. I am against the proposed stone quarry next to this National Wildlife Refuge because of the threat to it's environment and the wildlife. Our National Wildlife Refuges are treasures that should be preserved and protected. Please do not allow this tragdey to happen.

Thnak You,
JoAnn Lang
8108 Sloop Drive
Cicero, New York, 13039

BCA
pg 1/1

From: Tom Sieczkarek <cuttinglight@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/4/2014 7:59 AM
Subject: Against the quarry

I am AGAINST the proposed quarry next to the Iroquois wildlife refuge do to it's effect on the environment and wildlife .

Thanks and have a great day!

Tom Sieczkarek

*Cutting Light *

Custom Laser Engraving

716.807.8525 Office

www.cutting-light.com

B7D
pg 1/1

From: Doug D <woodduck2020@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/4/2014 10:32 PM
Subject: Proposed stone quarry adjacent to the INWR

Sir,

My name is Douglas H. Domedion and I have a BS in Wildlife and Forestry from WVU. I live with in a 1/2 mile of the proposed quarry site in the Town of Shelby. I have lived here for 30 years and have always been involved directly with the INWR, the Tonawanda and Oak Orchard WMA's. I have done much volunteer work for these Federal and State areas and have spent considerable time in these refuges with my nature photography. I write a weekly outdoor column for the local newspaper and have donate photographs to the DEC for their use.

Between my education and years of observations of these areas I probably have more of an understanding of these areas and what goes on in them then the average citizen in the surrounding area. However one does not need this kind of education or observation time in these areas to see that Frontier Stone's DEIS is a joke and the proposed quarry is a real threat to these refuges (especially the INWR with three large marshes less then a mile away).

The NYS DEC is responsible for the welfare of the wildlife and the environment on public lands. Therefor you have no choice but to disapprove any permit for a quarry adjacent to the INWR and the nearby State Oak Orchard and Tonawanda WMA's.

Douglas H. Domedion

B71
pg 1/1

From: david genesky <wnyowls@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/5/2014 9:12 AM

Sirs:

I am a lifelong resident of Western New York . Please find that I strongly oppose the proposed quarry near the wildlife refuges in the Shelby area. I cannot imagine how this project COULD NOT have a very negative impact on the environment and the wildlife in the area, which includes endangered species. I ask that the N.Y.S.D.E.C. take strong actions to prevent this quarry project by Fieldstone or any other company.

David G Genesky
wnyowls@yahoo.com

B72
Pg 1/1

From: "Howard Fritkze" <crusty982@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/5/2014 2:00 PM
Subject: Fronitier stone quarry

Mr. Sheeley,

I am writing you this email to express my objection to the proposed plans in the town of Shelby, by frontier stone to once again to explore the opportunities to expand their business and infrastructure of that business near the vicinity of the Iroquois refuge.

I am totally and well aware of the experience and legacy of the present frontier stone quarry has in the town of Lockport, and in that case that stone quarry has had permanent and negative impact on the environment!

I believe the Iroquois, Tonawanda, and the Oak Orchard systems will in the long run be negatively influenced by this proposal and that's why I totally object to it!

Thank you

Sincerely yours,

Howard William Fritzke Junior

B73
Pg 1/1

From: KRYDER JOHN B. <JKRYDER@williamsvillek12.org>
To: "'frontierstone@gw.dec.state.ny.us'" <frontierstone@gw.dec.state.ny.us>
Date: 5/5/2014 2:54 PM
Subject: proposed stone quarry -- Iroquois National Wildlife Refuge

Dear Scott Sheeley:

While not a resident of Shelby, I am a resident of Erie County and New York State, and I am outraged at the proposal for a stone quarry adjacent to the Refuge.

This flies in the face of all that makes the Refuge a refuge.

It will, no doubt, despite what a biased "study" conducted by Frontier Stone itself may say, harm and negatively impact and help destroy what is an essential home to 342 species of birds, 42 species of mammals and numerous reptiles and plant life.

One need only read Gerry Rising's columns in The Buffalo News to know about the splendor and the vulnerability of this Refuge.

I have visited and enjoyed it many times over the last 30 years and hope to be able to in the years to come.

Frontier's proposal is nothing but meretricious. The DEC and the State need to stand up against such a woefully shabby attempt just to make money while destroying the environment, especially in a place where protection has already been established through National and State directives.

John Kryder

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B74
pg 1/1

From: <deerbob@live.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/6/2014 10:34 AM
Subject: No Quarry

To whom it may concern,

I am opposed to the proposed stone quarry adjacent to the Iroquois National Wildlife Refuge and the Tonowanda and Oak Orchard Wildlife Management areas. A quarry in this sensitive location is likely to alter the hydrology of the area and thus harm the marsh habitat of this unique area.

Robert E Lamoy
former Refuge Manager
Iroquois National Wildlife Refuge

B75

pg 1/1

From: Mary Jane Thomas <mjbt40@jt-mj.net>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 3:41 PM
Subject: Iroquois National Wildlife Refuge/Stone Quarry

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. We need to protect our natural areas and not threaten the environment and lives of our wildlife.

Thank you.

Mary Jane Thomas
mjbt40@jt-mj.net

B76

pg 1/1

From: carolyn ragan <carolynragan@earthlink.net>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 4:22 PM
Subject: I'm Worried

Hello,

I am very worried about Iroquois National Wildlife Refuge and the proposed mining operation so near by. Western NY is such a necessary stopover for migratory birds. We have seen how the lack of water and habitat is affecting California birds. This proposal is not a good idea. I hope you work hard to stop it.

Carolyn Ragan
4 Woodside Drive
Penfield NY

B71
pg 1/1

From: Gurley Judy <judygurley@hotmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 4:39 PM
Subject: stone quarry

Scott,

A few years ago I was part of the Marsh Monitoring Program. My segment to check was the marsh adjacent to the stone quarry on Kavenaugh Rd. in Rush. There were frogs calling from ditches near the road, but not a sound from anywhere in the marsh. My partner and I had permission to check the marsh in two different locations. Both locations were totally quiet except for a few Red-wing Blackbirds calling.

I hope that the proposed quarry next to the Iroquois Wildlife Management Area can be prevented from becoming a reality.

Judy Gurley

B78
pg 1/1

From: Jan Von Powers <jpowersster@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 4:54 PM
Subject: Iroquois National Wildlife Refuge concern

Hello,

I'm writing in regard to the proposed quarry to be built next to Iroquois National Wildlife Refuge. This is a real threat to the environment of the refuge and its wildlife. Please do not do this.

I am not a NY state resident but have many relatives near Iroquois in Rochester and have visited several times. Please do not build the quarry next to this wonderful and valuable refuge.

Sincerely,
Janet Powers

Alexandria, VA

B7C
pg 1/1

From: george haskins <dart54golfer@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 6:18 PM
Subject: Iroquois National Wildlife Refuge

Please add my name to those who are opposing a proposed stone quarry in the vicinity of the Iroquois National Wildlife Refuge.

This is environmentally sensitive area has a National designation. The proposed quarry is likely to have a damaging affect on the Refuge's environment and the vast collection of wildlife who make their home there or use it as a migration stop.

George A. Haskins, member Rochester Birding Association and Seabrook Island (SC) Lakes and Wildlife Committee
Resident of Irondequoit, New York

1380

pg 1/1

From: Agatha Windig <amwindig@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 7:24 PM

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife.

--
Aggie Windig

B81

pg 1/1

From: debi holt <debiholt@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 7:52 PM
Subject: Attn. Scott Sheeley: NO STONE QUARRY NEXT TO IROQUOIS NWR!

I am a frequent visitor to the Iroquois NWR and am very upset that the proposal of a stone quarry being built next to it is even being considered!

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wildlife.

Iroquois NWR is an important area for wildlife in the area as well as an important area for migrating and breeding birds. A quarry next to it will be extremely disruptive due to noise, dust, exhaust fumes and disruption and possible contamination of the ponds in the Iroquois NWR.

PLEASE DO NOT ALLOW THIS TO HAPPEN!

Thank you for your time.

Deborah Holt
3330 N Main St Rd
Holley, NY 14470

B82
Pg 1/1

From: "H&G Beaver" <hgbeaver64@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 9:00 PM
Subject: Stone Quarry

We have heard about the proposed stone quarry next to Iroquois National Wildlife Refuge and we are concerned about the affect it will have on the environment , and then of course the wildlife. We have enjoyed birdwatching there for over 40 years and would like to voice our opinion against this proposal.

Harry and Gretchen Beaver

B83

Pg 1/1

From: "Glenn and Sue Webster" <gwebster@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 9:34 PM
Subject: Protesting Proposed stone quarry

I am against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to the environment and to the wildlife. Suzanne Webster, Rochester NY

B84

pg 1/1

From: Steve Chenoweth <sdn1c@verizon.net>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 9:48 PM
Subject: RE: Frontier Stone Quarry proposition

To Whom it May Concern,

I am against the proposed stone quarry by Frontier Stone, next to Iroquois National Wildlife Refuge and the two NYS Wildlife Management areas, namely Oak Orchard and Tonawanda. I oppose this due to the threat to wildlife and the marshes in those areas. It is the responsibility of the NYS DEC to protect our public wildlife and environment so please reject this quarry.

I appreciate your time.

Thank you.

Sincerely,

Nancy Chenoweth

Sent from my iPad

B85
pg 1/1

From: Tina <idigbirds09@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/7/2014 9:50 PM
Subject: INWR and proposed stone quarry

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife."

Tina Falkner

B80
pg 1/1

From: "Dave Cook" <dcook@innovativecompany.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 8:53 AM
Subject: Gravel Quarry In Shelby

Dear Sirs,

I am writing to you today to let you know my family and I are against this quarry in the Shelby area. It is adjacent to a wildlife area which would suffer if this is done. I have seen the effects on waterways, plant life, habitat and more from this type of mining, and it is not good.

I grew up on Martin Road in Shelby with my father, Don "Cookie" Cook who you may remember as a wildlife photographer and conservationist in the area. He taught us to love the outdoors and protect all of its creatures in it. This quarry, its dust, contamination of Oak Orchard Creek and surrounding lands, would be hurtful.

I am asking that my voice be heard and this is stopped!

Respectfully, David Cook Family

Dave Cook
TERRITORY MANAGER
innovative(tm)
SURFACE SOLUTIONS U.S.
t. 585-765-1046
f. 585-765-1045
c. 716-998-2218
dcook@innovativecompany.com <mailto:dcook@innovativecompany.com>
www.innovativecompany.com <http://www.innovativecompany.com/>

READY WHEN NATURE STRIKES. GUARANTEED.

B87

pg 1/1

From: Marian Nelson <tabithamom@frontiernet.net>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 9:53 AM
Subject: syne quarry

I am against the proposed stone quarry close to the Iroquois Wildlife Refuge because of the possible threat to wildlife and the environment.

Marian Nelson
Fairport

B88
pg 1/1

From: <Sharonbillgal@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 10:14 AM
Subject: Stone Quarry, INWR

I am opposed to this stone quarry because it will damage wildlife and the environment. Sharon Galbraith

B89

pg 1/1

From: Roger Hungerford <rhungerford@talisequity.com>
To: <mdraper@townofshelbyny.org>, <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 10:41 AM
Subject: Stone Quarry

Gentlemen,

As the former CEO and principle owner of Medina-based intravenous infusion pump manufacturer, SIGMA (sold to Baxter in 4-12) and the present principle owner of Medina-based The Olde Pickle Factory and Talis Equity (a new high technology startup company investor), we continually struggle with attracting high wage earnings to relocate in the Village of Medina and the Town of Shelby.

Regarding the proposed new Frontier stone quarry to be located in Shelby, I strongly suggest the DEC and Shelby boards deny approvals for this business because of:

1. Proximity to the Wildlife Refuge and the potential danger of partially or fully draining its water, resulting in a huge local aesthetic and economic impact.
2. The now pristine Shelby farm land would remain forever scarred.

I recognize there exists a need for construction stone material. However, doing this next to a unique wildlife refuge poses a huge risk we should not take.

Please make a careful decision. I know you will.

Sincerely,

Roger Hungerford

B90
pg 1/1

From: <jupton2@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 10:45 AM
Subject: Quarry

Dear sirs:

Everyone is destroying all the lands. If the quarry is put in it will ruin the water tables for the wild life. Especially the eagles. They have worked hard to get the eagles back in this area. Let alone all the other water fowl. will also endanger the well water of many people. Please stop Frontier Stone from putting in this quarry.

Sincerely,
Jean E. Upton
Medina, NY

B91
pg 1/1

From: "William Preston" <grampus4orca@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 11:43 AM
Subject: quarry at Iroquois

Dear Mr. Sheeley,

I would like to protest the proposed stone quarry next to the Iroquois National Wildlife Refuge. In my opinion, it will threaten the environment at the refuge, and hence the wildlife therein.

Thank you,
William Preston

B92

pg 1/1

From: William Powell <wcewpowell@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 12:38 PM
Subject: stone quarry

I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to its environment and the wild life.

William C. Powell, Rochester Birding Association Member

B93

pg 1/1

From: "George J. Dillmann" <gjd24@cornell.edu>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 1:27 PM
Subject: Opposing stone quarry next to INWR

Dear Mr. Sheeley,

I want you to know that I oppose the proposed stone quarry next to the Iroquois National Wildlife Refuge, because this quarry would be a significant threat to the refuge's environment and wildlife. I used to live in Buffalo, and went to this refuge for bird watching many times. Certainly, the INWR serves a critical function for the health of the animal species that count on it to be a healthy breeding area.

I hope that you will take seriously the comments of people like me, and cancel the proposal for this quarry.

Sincerely,

George Dillmann, Library Coordinator

Adelson Library

Cornell Lab of Ornithology

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Our Mission:

To interpret and conserve the Earth's biological diversity through research, education, and citizen science focused on birds.

B94
pg 1/1

From: Alice Silver <ajsilver@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 4:45 PM
Subject: Stone quarry

Both my husband and I are against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife.

Alice & Richard Silver

B95

pg 1/1

From: "Cherie Harder" <cheriehhh@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/8/2014 8:57 PM
Subject: I'm against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife.

Dear Scott Sheeley:

I am against the proposed stone quarry next to the Iroquois National Wildlife Refuge because of the threat to it's environment and the wildlife. Hopefully, the Department of Environmental Conservation will pay attention to its' name and keep the environment and wildlife its' priorities. We're counting on you.

Sincerely,

Cherie Harder

B96

PG 1/1

From: Denise Appleby <ocsportsmensfed@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/9/2014 8:33 AM
Subject: Stone quarry

Dear Mr. Sheeley,

The Orleans County Federation of Sportsmen's Clubs, Inc. would like to state it's opposition to the proposed Shebly stone quarry. As sportsmen, we feel that the quarry would pose a threat to native wildlife and waters. The traffic, noise and destruction of habitat for endangered birds found in that area, such as the Short-eared Owl, Osprey, Eagle among many other native species, is too great to allow this to happen in this community. Thank you for your time.

Orleans County Federation

B97

pg 1/1

From: Tracy Davies <TDavies@nysvets.org>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/9/2014 11:59 AM

I have lived in Shelby my entire life. The Refuge is a precious resource that needs to be protected at all cost. The stone quarry is about a company making money, so they need to find another location. I do not care what any paperwork or research studies show, the refuge will be negatively impacted if the stone quarry is allowed. The noise, the traffic and the destruction will certainly destroy and deter wildlife that depends on this land for its home. This has been a home to many wildlife species for several years and should remain so. Our society has given up enough green space to companies.

Tracy Davies

B98
Pg 1/1

From: Capurso <cabinfly@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/9/2014 1:23 PM
Subject: Proposed Stone Quarry in Shelby

Scott Sheeley
Regional Permit Administrator
DEC Region 8

Re: Proposed Shelby Stone Quarry

Dear Mr. Sheeley,

I am writing to voice my opposition to the stone quarry near the Iroquois National Wildlife Area. Such a quarry operation would impact negatively on the refuge in terms of lowering the water table to the tune of over half a million gallons per day, every day, pollute it with a tremendous amount of dust, buffet it with disturbing sonic vibrations and also pollute the Oak Orchard Water Shed with grey discharge water. Frankly I am disturbed that Frontier Stone was able to get as far as they did with their DEIS being accepted by you. I understand the significant amount of money they stand to make in the quarrying of lime stone for 75 years. The mere 15 jobs they stand to add and the risk to our wildlife refuge is not worthy of approval. Please register my concerns with this project and my displeasure with the NYS DEC and the SEQR process in this regard.

Sincerely,

Al Capurso, Citizen
Orleans County, New York

BQA

pg 1/1

From: Michael Powers <empowers1@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/9/2014 2:00 PM
Subject: No to stone quarry

As an avid environmentalist and birder, I want to register my protest against the proposed stone quarry next to the Iroquois National Wildlife Refuge. It poses a serious threat to the nearby environment and wildlife. Thanks.

B100

pg 1 / 1

From: ChasCarolKlinger <ccklinger@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/9/2014 5:21 PM
Subject: opposed to quarry

I am writing to say that I am opposed to the proposed stone quarry next to the Iroquois NWR. National Wildlife Refuges were created to be places of protection for wildlife, and I do not want to see this quarry which could be a threat to the wildlife that I enjoy seeing there.

Carol Klinger

(B101)
pg 1/1

From: HerbOnThunderbird <bitternut@roadrunner.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/10/2014 6:14 AM
Subject: proposed quarry in shelby

Sir

Please use your responsibility to reject the proposed quarry adjacent to the Iroquois, Tonawanda and Oak Orchard wildlife management area's. These area sanctuaries are a local and national treasure and should be treated as such. They are very sensitive to neighboring land uses and would be at great risk if this quarry is allowed. Even if the water table was not harmed the whole experience of visiting one of these refuges would be ruined by the noise, traffic of dump trucks and dust.

Our area of Western New York already has many quarries that supply ample quantities of crushed stone and limestone. There is no dire need for another quarry to supply local farmers with lime. Especially one adjacent to an environmentally sensitive area such as these refuges.

This proposed quarry is nothing more than a few greedy individuals putting themselves ahead of all others and the environment of our local treasure. I implore you to use your power and position to prevent this from happening.

Respectfully submitted:

Herb Linderman
9189 Somerset Drive
Barker, NY 14012
716-795-9237

B102
pg 1/1

From: Christine Nice <cnice56@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/11/2014 9:40 AM

I'm against the proposed stone quarry by Frontier Stone next to the Iroquois National Wildlife Refuge and the two State Wildlife Management areas (the Oak Orchard and Tonawanda) because of the threat to the wildlife and the marshes in those areas. It is the responsibility of the NYS DEC to protect our public wildlife and environment so please reject this quarry.

(B103)

pg 1/1

From: Christine Nice <cnice56@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/11/2014 9:44 AM

I'm against the proposed stone quarry by Frontier Stone next to the Iroquois National Wildlife Refuge and the two State Wildlife Management areas (the Oak Orchard and Tonawanda) because of the threat to the wildlife and the marshes in those areas. It is the responsibility of the NYS DEC to protect our public wildlife and environment so please reject this quarry.

Sincerely,

Allen D Nice

B104
pg 214

135 East Main Street
Hamburg, NY 14075
May 12, 2014

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

Re: Comments on Frontier Stone DEIS for proposed quarry in Shelby, Orleans County, NY

Dear Mr. Sheeley:

Given its location immediately adjacent to the Iroquois Refuge, the proposed quarry is an incompatible use with respect to noise, blasting, etc., and should not be permitted. In addition, the DEIS omits necessary information and fails to resolve uncertainties about other impacts in addition to noise and blasting impacts. Such deficiencies in the DEIS need to be corrected, and the DEIS should be reissued for comment after corrections are made.

My detailed comments are as follows:

1. Impacts on Refuge: The U.S. Geological Survey report by W.M. Kappel and M.B. Jennings, *Water Resources of the Iroquois National Wildlife Refuge, Genesee and Orleans Counties, New York, 2009–2010*, Scientific Investigations Report 2012–5027, identifies possible impacts. As stated on p. 1 of the USGS report (and explained in more detail in the body of the report):

The potential development of a bedrock quarry in the Lockport Dolomite bedrock along the northern border of the Refuge may affect the nearby Refuge wetlands. The extent of drawdown needed to actively quarry the bedrock could change the local hydrology and affect groundwater-flow directions and rates, primarily in the Lockport Dolomite bedrock and possibly the Oak Orchard Acid Springs area, farther to the south. The effect on the volume of flow in Oak Orchard Creek would probably be minimal as a result of the poor interaction between the surface-water and the groundwater systems. Of greater potential effect will be the possible change in the quality of water flowing into the Refuge from the discharge of groundwater during dewatering operations at the quarry; this discharge will flow into the northern part of the Refuge and affect the quantity and quality of wetland areas downstream from the quarry discharge. These changes may affect wetland management activities because of the potential for poor-quality water to affect the ecology of the wetlands and the wildlife that use these wetlands.

Given these possible impacts, the proposed quarry should not be permitted unless/until these impacts are better characterized and can be definitively ruled out.

2. Drawdown impacts on Refuge: The DEIS, p. 112, section 4.1.2.2.3, says the aquifer beneath the Refuge might be drawn down but provides no definitive answer on impacts to the Refuge.

Regarding drawdown impacts, the DEIS uses ambiguous language ("anticipated") which says that "...no drawdown impact is anticipated...because of the low permeability of the silt and clay overlying the bedrock." In support of this statement, the DEIS quotes from the Alpha Geoscience report which also uses ambiguous language ("The hydrogeologic analysis shows that this drawdown will have no impact...", "lack of anticipated impact...") rather than straightforward, definitive language (such as "This drawdown will have no impact...", "lack of impact..."). Given the lack of certainty, no quarrying should be permitted unless/until impacts can be ruled out.

3. Water-quality impacts on Refuge: The DEIS, pp. 113-14, section 4.1.2.2.4, says that, "In general Lockport dolomite groundwater contains H_2S which readily dissipates upon reaching the surface and exposure to air." There are two unresolved questions here. *First*, the summary of water chemistry in the USGS report by Kappel and Jennings (p. 20) indicates that sulfides and/or sulfates may be present in local groundwater. The DEIS needs to address whether there are less volatile sulfides and/or sulfates present in its proposed discharge, in addition to the " H_2S which readily dissipates upon reaching the surface and exposure to air." Less volatile sulfides and/or sulfates, if present, would be discharged into the Refuge and affect water quality there. This needs to be addressed. *Second*, the DEIS needs to quantify the proposed quarry's rate of H_2S emissions, and NYSDEC needs to determine whether an air permit is needed for the ongoing emissions of this noxious byproduct of quarry operations.

4. Impacts on Oak Orchard Acid Springs: The Oak Orchard Acid Springs, according to the USGS report by Kappel and Jennings, p. 20, "are a unique feature in New York State because of their naturally low pH..." Kappel and Jennings say (on p. 1) that "The extent of drawdown needed to actively quarry the bedrock could change the local hydrology and affect groundwater-flow directions and rates, primarily in the Lockport Dolomite bedrock and possibly the Oak Orchard Acid Springs area..." and (on p. 22) that:

The construction of the quarry and the amount of water that could be discharged from the excavation may have an impact on the neighboring Refuge wetlands. The extent of drawdown from dewatering could change the local hydrology as well as the direction and rate of groundwater flow in the Lockport Dolomite. Although the effect on the flow of Oak Orchard Creek is expected to be minimal, changes to the local hydrology and water quality could affect the Acid Springs and the manner in which they function.

The Frontier Stone DEIS uses ambiguous wording ("It is apparent that...") which does not provide any definitive conclusion about the proposed quarry's impacts on these unique springs. Specifically, see DEIS Appendix 4, page 22 of the Alpha Geoscience report, which states that "It is apparent that there will be no drawdown impacts or disruption of flow from the ground water flow system associated with the acid springs." Given the lack of certainty, no quarrying should be permitted until at least two years of baseline data has been collected for each of four different springs (GS290, GS291, GS292, and GS293). Baseline data collection should include daily or continuous *flow-rate measurement*, and monthly sampling and testing of *chemical composition*, for each of the four springs, for a period of at least 2 years prior to quarry operation.

5. **Climate change:** NYSDEC's policy (<http://www.dec.ny.gov/regulations/65034.html>) requires in part that "DEC must take into account both (a) mitigation of climate change, through reductions in GHG emissions and enhancement of carbon sinks, and (b) adaptation to the expected effects of climate change. Accordingly, Department staff are directed to integrate climate change considerations as may be relevant, along with other environmental issues and State priorities, into the full range of their Departmental activities, including but not limited to all decision-making, planning, permitting..." The DEIS does not take climate change into account and thus should not be considered acceptable by NYSDEC unless/until this deficiency is corrected and the DEIS is reissued.

6. **Climate change, greenhouse gas (GHG) emissions:** The section of the USGS report by Kappel and Jennings on Natural Gas Discharges, p. 16, indicates that both methane and H₂S are discharged from groundwater wells completed in the lower Lockport Dolomite zone, including well OL37 located south of the proposed quarry. Given the predictable discharge of methane along with H₂S from the proposed quarry pit and/or from water pumped from the quarry, the DEIS needs to quantify the proposed quarry's rate of methane emissions based on defensible evidence from testing, modeling, etc. The DEIS is deficient unless/until it takes into account the increased rate of GHG emissions attributable to the proposed quarry pit and/or from water pumped from the quarry.

7. **Climate change, greater frequency and/or intensity of high-rainfall events:** Greater frequency and/or intensity of storms is increasingly well-recognized as an effect of climate change. Historic precipitation levels associated with specified storm return periods, such as the 2-, 5-, 10-, and 25-year storms referred to in the DEIS, p. 119, section 4.1.2.2.4, cannot be considered valid as present or future precipitation levels associated with those same return periods. The DEIS needs to adjust the precipitation levels associated with specified storm return periods in order to take into account the greater frequency and/or intensity of high-rainfall events. The need for such correction is particularly important in view of the long projected lifetime of the proposed quarry.

8. **DEIS should be searchable:** It is inappropriate for NYSDEC to allow a complex DEIS to be issued as a non-searchable pdf document. The Frontier Stone DEIS should be reissued in a searchable pdf format. The technology is readily available. Documents converted directly from word processing software to pdf format are typically searchable, and optical character recognition (OCR) options are readily available at the scanning stage to make scanned documents searchable.

Thank you for this opportunity to comment.

Sincerely,

Raymond C. Vaughan, Ph.D.

(B105)

Pg 1 / 1

From: Helen Haller <wordbird@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
CC: Helen Haller <wordbird@rochester.rr.com>
Date: 5/12/2014 3:49 PM
Subject: Proposed stone quarry next to Iroquois National Wildlife Refuge

Dear Mr. Sheeley,

I have recently heard about the proposed limestone quarry on Fletcher Chapel Road, next to Iroquois National Wildlife Refuge. I have now read a bit about the proposed mining project, and it sounds like a very bad idea to me. It is my understanding that the local residents, who know a whole lot more about the proposed project than I do, are standing firm in opposition. They are concerned about truck traffic and road deterioration, water pollution, dust and noise, and the effects on the wildlife refuge so near by.

The refuge is a very special place, home to animals and plants, and a migratory stopover as well as home for many birds. Mining and the related processes would threaten the wildlife in numerous ways. This is so obvious that it seems hardly necessary to amplify on it.

Another concern is that the proposed quarry will have a negative impact on the Science Technology & Advanced Manufacturing Park (STAMP), to be built just south of the refuge in the town of Alabama. To quote from a news article of May 1, 2014, "We don't need the jobs (the quarry would produce), we have the (STAMP) nanopark," said Francis Dumoy, a farm owner who has worked on mining projects. "Microchip manufacturing requires pure air, with no dust particles ... and no vibration. Mining and nanotechnology do not go together," Dumoy said.

Very truly yours,

Helen D. Haller wordbird@rochester.rr.com
31 Park Forest Drive
Pittsford, NY 14534
585-387-9570

B100e
pg 1/4

frontierstone - 2_BWCopy of STONE QUARRY ARTICLE.xls

From: Celeste Morien <celeste.morien@gmail.com>
To: "Scott E. Sheeley" <frontierstone@gw.dec.state.ny.us>, Merle Draper <mdr...>
Date: 5/13/2014 7:43 PM
Subject: 2_BWCopy of STONE QUARRY ARTICLE.xls
CC: Evan Morien <evan.morien@gmail.com>
Attachments: 2_BWCopy of STONE QUARRY ARTICLE.xls

Dear DEC Region 8 Permit Administrator, Shelby Town Board Supervisor, Deputy Supervisor and Councilmen:

I am writing to indicate my opposition to the proposed stone quarry. Frontier Stone - the company proposing the quarry - has promised a variety of benefits to the community if their proposal is accepted, including new jobs, increased tax revenue for the town of Shelby, and increased industry competition. However, it appears that they have not done their due diligence in assessing the impact the quarry could have on the surrounding land, roads, waterways, Iroquois National Wildlife Refuge and local wildlife. I ask that the permit be denied for the risk it presents to the water levels of the refuge, which serves over 40,000 visitors each year.

More importantly, it appears that Frontier Stone has not been completely honest with the town in their proposal. I think for this reason alone they should not be granted a permit to dig the quarry. If they aren't honest now, can we expect them to be honest in the future, or trust them in any way?

Please take a look at the attached fact sheet, which details over 30 misrepresentations and omissions made by Frontier Stone during their proposal to the Shelby town board.

Thank you for your time.

Sincerely,
Evan Morien
12534 Hemlock Ridge Road
Medina, NY 14103

Item THE ISS

1 TAXES

WHAT'S BEEN PRESENTED BY FRONTIER

An abbreviated list of benefits gained from the addition of a new stone quarry include: new jobs, increased tax revenue, sales tax revenue for the town of Shelby, a healthy competition in the industry and much more. Increased tax revenue.

THE TRUTH

Quarry's original application states ~4 jobs, now it states 15 but it does not say what those additional 11 jobs are. Net annual gain in property taxes ~14-15K

SOURCES

tax assessor town of shelby Local property taxes (2013)
o Shelby Crushed Stone- approx.: \$15,476 for 208 acres
o County Line Stone - approx.: \$22,000 for 380 acres

Further Reading

B100
pg 214

2 SALES TAX

Frontier made the statement that there would be large sales tax contributions to the town because of the quarry selling stone for big county and state projects.

Government projects are tax exempt and the town gets a very small percentage of sales taxes collected here.

EDA Sales tax revenue for the town of Shelby would likely decrease as a result of increased competition in the market driving down material pricing.

Economic Development Administration -- (<http://www.eda.gov>)

3 JOBS

A slide from the presentation by Frontier noted a brief history of quarrying in Orleans County... 48 quarries, 1600-2000 employed annual payroll of \$750,000. The dates - between 1895 and 1905

Frontier Stone's 2006 quarry permit application to the DEC: The quarry proposed will employ 3-4 people total.

• This quarry proposes to have 15 employees, here is the breakdown of similar sized facilities:
o Shelby Crushed Stone (quarry only): 6 full time, 4-6 seasonal
o Barre Stone: 6 full time, 3 seasonal

4 CONE OF DEPRESSION/ ZONE OF INFLUENCE

Frontier Stone presentation shows a typical quarry dewatering cone of depression with an area of influence up to 200' beyond the face of the quarry.

Depends on local conditions and quarrying practices, cones of depression can be almost as small as the quarry itself, or can be as large as 25 km2.

Potential Environmental Impacts of Quarrying Stone in Karst—A Literature Review

A cone of depression occurs in an aquifer when groundwater is pumped from a well. In an unconfined aquifer (water table), this is an actual depression of the water levels. (http://en.wikipedia.org/wiki/Cone_of_depression)

5 Need for stone

Frontier made the statement at the presentation at the town hall that if we didn't add another quarry that if we didn't add another quarry that we could be travelling to PA for stone in the future. * (see distances below)

No other town in the state of NY has more than 2 quarries within its borders. We have 2 now that both produce DOT rated stone - In reference to section titled 'Local Need' (Page 26) All operating quarries that are active mine sites producing material during the 2013 production season are NYSDOT approved (draft article incorrectly states that several are not approved)

Existing Quarries Life of Mine: Shelby Crushed Stone: 50-80 years Barre Stone: 75-80 year Buffalo Crushed Stone Ledge Road: 15 - 50 years Lafarge Lockport: 5 - 50 years (pending zoning approval)

- * Proximity to existing quarries:
Lafarge Lockport 17 miles 25 miles
Shelby Crushed Stone 3.3 miles 4.9 miles
Barre Stone 8.5 miles 11.1 miles
County Line Stone 13.5 miles 16.8 miles
Buffalo Crushed Ledge Road 7.7 miles 9.8 miles
Clarendon (Dolomite Group) 15 miles 20 miles

6 Need for Ag Lime

Frontier presentation to the Town of Shelby noted the need for Ag Lime for farming and that it would be provided by this quarry

Calls to the local quarries have a surplus of high quality of Ag Lime.

7 Short-eared owl (SEO)

Initially Frontier stated in their DESI that there were no endangered species on or around the site. They based this one two visits by TES Terrestrial Environmental Specialists. Frontier Stone slide on Short-eared owl "Wildlife is an asset to man, and an essential part of the ecosystem. We do NOT apply chemicals or pesticides!"

1. Short-eared owl is present in the area where the stone quarry will be located. East and West of Posson Road is the most visited site for Short-eared owl observation in NYS.. 2. The owl is on the endangered species list in New York State. 3. The owl spends much of its time on the ground. 4. Blasting in mines produces ground vibrations that can be felt for long distances from the mine.

1. article medina paper, genessee birders list 2. NYSDEC listing 3. Audubon, get site 4. article from Maziarz visit to site in NF, conversations with Flick's who live near Lockport Frontier mine site, broken windows, broken water lines, city of lockport etc.

1. Short-Eared Owl numbers are increasing - Journal Register February 21, 2013: (<http://www.journal-register.com/localsports/x1525016160/Short-Eared-Owl-numbers-are-increasing>) 2. Short-eared Owl Fact Sheet (<http://www.dec.ny.gov/animals/7080.html>) 3. Short-eared Owl (<http://birds.audubon.org/species/shoowl>)

B100
pg 214

3106
08314

Frontier Stone's DEIS includes a citation (Holt and Leisure 2009) that "Short-eared owls frequent mines and quarries." They use this citation to address their potential effects on the SEOs that winter over, less than a mile away from this quarry site.

The actual owl study was done by Clark in 1975 in quarries that had been used for applications accepted by the DEC and other mining permitting bodies as fact supporting the quarry.

Dewatering is the removal of water from solid material or soil by wet classification, centrifugation, filtration, or similar solid-liquid separation processes...Construction dewatering, unwatering, or water control are common terms used to describe removal or draining groundwater or surface water from a riverbed, construction site, caisson, or mine shaft, by pumping or evaporation. (<http://en.wikipedia.org/wiki/Dewatering>)

8 Dewatering

Frontier Stone stated that there would be no negative effects from the water that would be brought from the quarry to the surface. Said Sulphur would dissipate, never addressed the iron or salt brine to be dumped into the Oak Orchard River. Never addressed the effects of any contamination from high salt and iron content to the river or the refuge.

SPDES permit from the DEC to dump

9 SPDES permit

Dewatering of local quarries is done to keep the bottom of the mine dry for production. Water at other local quarries is pumped out at between 500-2000 gallons per minute during heaviest times. AND those quarries are half as deep as Frontier plans to dig.

SPDES permit

State Pollutant Discharge Elimination System (SPDES). (<http://www.dec.ny.gov/permits/6054.html>)

10 FLOODING THE REFUGE

Not addressed at all by Frontier Stone

Pumping large qlys of contaminated water into the small drainage ditch will over flow into Oak Orchard River and the refuge marsh system. No examination of the effects of this high iron, highly mineralized, high sulfide water has been done at all. No consideration for treatment of the water prior to dumping at the surface has been discussed.

11 Karst activity - The presence of open fractures or caverns in the rock that allow water to travel from the surrounding area into the quarry.

Frontier has maintained all along that the area is not Karst prone and for that reason "We're pretty darned sure we're not going to drain the swamp" - Dave Mahara - presentation to the Town of Shelby.

There are examples of Karst activity in the area. Examples - Wayne's example with the Forestel Farm's well, caverns in local wells, (grandfather) well etc.

The other 12 quarries are located closer to the Ed Bugliosi USGS statement is not necessarily true. Ed Bugliosi

ON ESCARPMENT

The mine in the town of Clarendon is a Lockport formation quarry. Dewatering of that quarry was found to have drained the water flowing to the town's waterfall which is situated about 5000' from the face of the quarry

The development of karst occurs whenever acidic water starts to break down the surface of bedrock near its cracks, or bedding planes. As the bedrock (like limestone or dolostone) continues to break down, its cracks tend to get bigger. As time goes on, these fractures will become wider, and eventually, a drainage system of some sort may start to form underneath. If this underground drainage system does form, it will speed up the development of karst arrangements there. This increase in rate of karst feature development will be due to the fact that more water will be able to run by the

a. --Clarendon residents express concerns, anger over proposed zoning changes (2004) - (<http://westsidehwsny.com/pastarticles/OldSideWestside/news/2004/0627/stories/clarendonresident.htm>) b. --Hanson concrete plant looks for relief - Jun, 24 2004 (<http://www.aggregatesresearch.com/articles/445/Hanson-concrete-plant-looks-for-relief.aspx>) c. DEC RULING ON ISSUES AND PARTY STATUS 5-21-2004

13 ALTERNATIVE SITES
FOR THE COUNTY -
Less environmentally
sensitive

Frontier's DEIS only examined sites north and south of the proposed site on Rt 63/77

The Lockport Formation of
from Michigan to Rome NY
evaluated sites east and w
site that didn't have any connection with a
wildlife refuge or wetlands ecosystem or the
STAMP project.

ans
aver
posed
Rt 98, 237, 19, 490, 36, 259, 390, 65,
64, 250, 21, 88, 414, 89, 34, all run
directly to the Thruway and could
convey stone just as easily as 63/77.

BIC
Pg 4/4

14 STAMP PROJECT

The site for the STAMP project was selected because of its high water table which makes the land especially favorable to a non-vibrational environment for the projected manufacturing and research processes

The dewatering of the stone quarry has the potential to lower the surrounding water-table (See cone of depression and zone of influence above) Blasting at the quarry site will be felt for miles. The level of vibration that could make the site of the STAMP project unfavorable is much lower than the threshold that rattles windows several miles away from a quarry site. The approximate distance between the STAMP site and the quarry site is about 5 miles.

15 More Incorrect
Information in the DEIS:

- On page 16 of the draft document it is stated that haul rates are in the range of \$0.25 to \$2.00 per ton. Below are listed average haul rates for existing quarries:
 - o Shelby Crushed Stone: \$0.11 to \$0.16 per ton per mile
 - o Barre Stone: \$0.11 to \$0.16 per ton per mile
 - o County Line Stone \$0.11 to \$0.20 per ton per mile

16 Comments on the
Frontier Stone DEIS

1. They state that the effective market area is 35 miles radius; therefore, mines must be located within 35 miles or so to cover all areas. The problem with this statement is that there is an established quarry 5.2 miles away according to Google Maps. Why is there a need for another quarry that close by?
2. The site is zoned residential. The local community has the power not to grant the special use permit. The town has an obligation to manage and control land use issues that have major impacts on town resources, infrastructure and people. The character of the area surrounding the site does not meet the proposed zoning change. Community character stopped Cobleskill Stone from being granted a special use permit from the town of Schoharie. They went much further than Frontier did in their application process and were still denied.
3. There are zero towns in western and central New York that have two active stone quarries. This includes Syracuse, Rochester, Buffalo and their surrounding areas.
4. Orleans County currently enjoys the lowest stone prices throughout western and central New York. This includes towns, counties and state bid results as well as local residential customers. This is due to market and development conditions.
5. Net employment gain will likely be zero as any gains at Frontier will be lost at others suppliers due to market factors.

Maybe the more important issue here is the that Frontlender and Confidential have been unable to be factual in their DEIS and for is the world renowned, objective expert in geological and hydrogeological science. Failure to provide full build out information, failure to provide full dewatering information, failure to provide full truck traffic information until 8 years into the DEIS process.

that reason alone they should not be granted a permit.

Statement from a hearing on the proposed AKZO salt mine: Thus, there are strong public interest factors favoring development of the proposed mine. On the other hand, DEC needs appropriate reasonable assurance that applicable environmental standards and requirements will be met, and that public health, safety, and property will be protected if the project is to go forward.

The purpose of an adjudicatory hearing is to receive evidence on disputed issues of fact, and to hear related arguments prior to the Commissioner's rendering of a final decision. The

27 PURPOSE OF THE ADJUDICATORY HEARING:

information concerning the project but rather to aid in decisionmaking" (See, *in the Matter of Site/Independence Power Partners*, Interim Decision, November 9, 1992). The adjudicatory phase of the public hearing process assists the Commissioner in deciding defined factual disputes which bear upon a permit applicant's ability to meet established environmental criteria ("substantive issues"), and which are relevant and germane to the final outcome of whether a permit should be issued, and if so, upon what conditions ("significant issues"). The relevance of disputed materials to the ultimate permit decision must be kept in mind in determining whether adjudication is warranted (See, *in the Matter of Jay Giarina*, Interim Decision of the Commissioner, September 21, 1990). The legislative hearing phase, which takes place prior to an adjudicatory hearing, provides interested members of the public unrestricted opportunity to provide input on the

38 Truck routes

The route that the trucks will take to access Rt 63 goes right through a portion of the INWR. No mention is made of the impacts of truck traffic to the recreational use of these roads by visitors to the INWR (including birders, hunters, students from the Job Corps, etc.) Dust, noise, and safety issues related to this heavy truck traffic will have definite impacts to wildlife use of the habitat immediately adjacent to the roads and to the wildlife crossing the road from one portion of the rutting to another.

Improvements needed with detailed plans and DOT letter to Mr Bimber DEC permit: The existing pavement on Oak Orchard Rd approaching Rt 63 is in poor condition and the intersection geometry is not adequate to accommodate the design vehicle. The approach to Rt 63 should be reconstructed with a full depth pavement section for a distance of at least 100 feet from the Rt 63 lane edge/line. Oak Orchard Rd should have one 12 ft lane entering and one 12 ft lane exiting Rt 63. An 8 ft wide full depth shoulder should be included on the east side of Rt 63 and begin 50 ft south of the entering road.

What about other scenarios for traffic distribution, such as Fletcher Chapel or any other roads? Who will pay for the construction and the maintenance?

39 Future Expansions like In Lockport?

While there is discussion of reclamation, is there information about the limitations of future expansions of the proposed quarry if neighboring farmland becomes available? <http://www.buffalonews.com/city-region/lockport/farmland-quarry-expansion-addressed-in-draft-of-town-of-lockport-comprehensive-plan-20140427>

(B107)
pg 1/2**frontierstone - letter against quarry**

From: "Jones, Karen" <KJones@medinacsd.org>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/16/2014 1:16 PM
Subject: letter against quarry
Attachments: Letter to DEC from Gary and Norma Jones.docx

Please see attached.

Confidentiality Notice: This electronic message and any attachments may contain confidential or privileged information, and is intended only for the individual or entity identified above as the addressee. If you are not the addressee (or the employee or agent responsible to deliver it to the addressee), or if this message has been addressed to you in error, you are hereby notified that you may not copy, forward, disclose or use any part of this message or any attachments. Please notify the sender immediately by return email or telephone and delete this message from your system.

Gary and Norma Jones
5272 Salt Works Road
Middleport, New York 14105

B107
pg 2/2

Cott E. Sheeley, Regional Permit Administrator
DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519

May 16, 2014

Dear Mr. Sheeley:

We live on the south end of the Salt Works Rd. in the town of Shelby NY, about one mile from the National Wildlife Refuge. The possibility of Frontier Stone blasting a second quarry is frightening. The one on Blair Rd. has affected the water table in our area, shaken houses when they dynamite, and caused so many highway problems. Our speed limit is 35 mph. However, the stone trucks, cement mixers, and semis rarely, if ever, go that slowly. They regularly travel 45-65 mph. AND they pass here, on our narrow, windy, hilly road about an average of 75-100 times daily on a road with no shoulders. Although they have been warned countless times to stop speeding, the warning are ignored!

Now Frontier Stone wants a second quarry, on the edge of the Iroquois Wildlife Refuge, where hundreds of people, birding groups, scouts, hunters with special permits and many, many more drive from all around this state to see the beautiful refuge, all the eagles, ospreys, rarely - seen birds, etc. It would destroy the ecosystem in this area.

Leans County is one of the lower income per capita areas. The Hi-Tech companies who have said they want to establish the STAMP project of Western New York would be an asset, employing thousands, and it needs a quiet area, not one with dynamite and large equipment.

Frontier Stone have said they will make certain people in the area have good water, that they will maintain roadways, and that even if wildlife may leave, they will return after many years. To what?? A treeless area, where the swamps they need have disappeared? HAHA! All lies! Ask the citizens nearby. NEVER has anything been done for the roads, or water or anything or benefit for us.

We once had a beautiful area, rural, where children could ride bikes to a friend's house, or many people could walk. Not now!! With all the noise, speed, and danger from the trucks, walking and riding bikes is just not safe.

PLEASE deny another quarry, for the sake of those who live here, future residents, and our wildlife!!

Sincerely,

Gary and Norma Jones

B108

Pg 1/1

From: "Jeff Atwell" <jatwell@caoginc.org>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/22/2014 12:31 PM
Subject: Shelby Stone Quarry

Dear Mr. Sheeley,

The new Frontier Stone Quarry next to the Iroquois National Refuge is a terrible idea! Please do not allow this to happen! The impact that it will have will be detrimental to the community and refuge!

Sincerely,

Jeffrey Atwell

May 27, 2014

To: Scott Sheeley, Regional Permit Administrator
DEC Region 8

Merle Draper, Shelby Town Supervisor

Gentlemen,

In an article on May 25, 2014, the Buffalo News announced the successful return of the Bald Eagles to the Iroquois National Wildlife Refuge. As residents of the town of Shelby for over 25 years, it is with pride that we tell people we live 3 miles from a national wildlife refuge and the response is always positive.

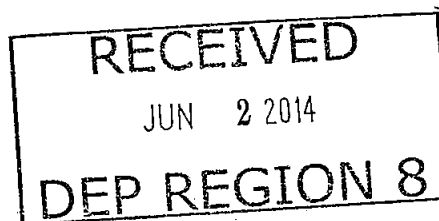
Now a proposed stone quarry is threatening the beautiful INWR. Is there really no other location for the quarry? When the mining at the quarry has a negative impact on wildlife, how long will it take to correct that effect?

If the area targeted is rezoned as industrial, it will have an adverse effect on the value of residential property. We doubt that people would find it appealing to live near a quarry and certainly if this operation moves in, homeowners will not.

Please do your part to protect the now restored Eagles and the other flora and fauna of the INWR. We have a fabulous resource in our back yard and this new threat adjoining it will be something we will regret for many generations. We implore you to be good stewards - be our voice - and do your part to prevent this from happening.

Thank You

Susan Beamer
10181 West Shelby Rd.
Middleport, N.Y. 14105



B110
pg 1/1

From: Scott Outterson <zeppfan79@yahoo.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/27/2014 9:15 PM
Subject: quarry

Mr. Scott Sheeley,

I write this email as former resident of the town of Shelby, in the county of Orleans, in the state of New York to again voice my opposition to any sort of mine being allowed adjacent to the Iroquois National Wildlife Refuge.

While I could wax nostalgic for paragraph after paragraph, I won't. Thirty four and a half years on this planet has taught me a few lessons. In the end, money talks. I get it. It's how the world works. Elected politicians have been selling out this country for years now. It now costs a small fortune to send a child to college. The number one cause of personal bankruptcy in this country is healthcare costs. Big corporations are allowed merge without regard to the the consumer, forming powerful monopolistic entities.

It is my strong belief that the average American no longer has a voice. The oligarchs that run this country see to this via their divisive divide and conquer tactics. As any intelligent individual can see, it's working quite well. That being said, I write this email as an average American asking you to stand against this quarry. Or feel free to add your name to the long list of sell outs that have proceeded you. The choice is yours. Thank you for your time.

Regards,

Scott D. Outterson

BIII

P81/1

From: <wprivett@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/27/2014 9:19 PM
Subject: WNY mining

I am opposed to the possible mining operation that would be, in our opinion, too close to the Iroquois National Wildlife Refuge.

Marilyn Privett
8874 Lovers Lane Road
Corfu NY 14036

B112
pg 1/1

From: Cindy Haag <cindyhaag@live.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/27/2014 11:27 PM
Subject: Decline the quarry permit.

Please decline the permit for a quarry next to the Iroquois Wildlife Refuge. Such a quarry would be terribly detrimental to the Great Blue Heron Rookery as well as the Short-eared Owls. The waste water to be discharged into Schoolhouse Marsh will most certainly be damaging to any and all inhabitants of the marsh. Changing water levels, mineral levels, and chemical contaminants are all negative results of waste water. Finally, the proximity to the Dept. of Labor Job Corp will damage a cooperative relationship between the Job Corp and surrounding area. The adverse effects of blasting will decrease the Purple Martin breeding from the Job Corp breeding program. Please decline the permit for this quarry.
Sincerely,

Cindy Haag

Preserve and Protect. www.northamptonpark.org

B113

pg 1/1

From: <Rhpixley@aol.com>
To: <frontierstone@gw.dec.state.ny.us>
CC: <mdraper@townofshelbyny.org>
Date: 5/28/2014 9:37 AM
Subject: Frontier Stone Quarry Permit in Region 2

To the DEC,

Please decline the permit for a stone quarry on Fletcher Chapel Road, adjacent to the Iroquois National Wildlife Refuge in Shelby. The likely disruption to wildlife and the environment is considerable and the protection of the only National Wildlife Refuge in Western New York should be paramount in your decision.

The estimated 240 trucks per day passing through the refuge and by the grassland known as Forrestall Flats, would place the breeding ground for grassland bird species such as Northern Harrier at risk. Also at risk would be the Great Blue Heron Rookery just 3/4 to 1 miles south of the mine site and the Posson Road Short-eared Owl fields just 1/4 mile from the proposed mine site.

The damaging effects of an estimated 455,000 gallons of water per day being drawn from Oak Orchard Creek for the mining operation are clear. The chemically contaminated waste water would flow into Schoolhouse Marsh with predictable decreases in water quality and resultant harm to the marsh wildlife.

Please consider the effects this would have on the Department of Labor Job Corp. Once blasting commences it is likely that the Department of Labor would have to consider moving the Job Corp program and their 110 employees and 250 students elsewhere. The Job Corp has always partnered with the refuge on such projects as highway cleanup, refuge construction projects and Spring Into Nature, the refuge's major public outreach event. They also allow the refuge and The Friends of Iroquois to conduct a Purple Martin breeding program on their premises. Purple Martins declined in New York State by 40% between the last two NYS Breeding Bird Atlas Surveys. Our project at Job Corp has fledged hundreds of Purple Martins in the past five years. Blasting is likely to disrupt this project.

The proposed mine claims to provide between 6-16 jobs, not a reasonable trade off to all the potential damages of the project.

Please decline the permit for the Frontier Stone Quarry.

Thank you,
Susan Pixley
38 Huntington Meadow
Rochester, NY 14623

Mrs. Celeste Morien & Mr. Thomas Morien
12534 Hemlock Ridge Road
Medina, New York 14103

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

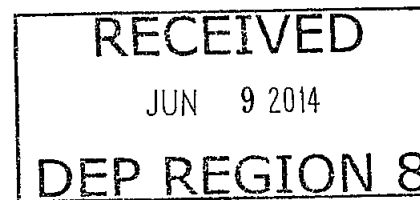
May 28, 2014

Dear Mr. Sheeley:

As a Friend of Iroquois Board Member, an Iroquois Observations Field Trip Leader, a volunteer for Iroquois National Wildlife Refuge and as Town of Shelby residents, my husband and I are writing to state our strong objection to the proposed 210 acre Frontier Stone Quarry planned for Fletcher Chapel Road and Sour Springs Road, immediately adjacent to the Iroquois National Wildlife Refuge (INWR) and 1.8 miles west of our home since 1986 at 12534 Hemlock Ridge Road, Medina. We ask that you deny the request for a permit to mine based on the noise and water level and quality impacts this quarry will present to the only National Wildlife Refuge in Western New York. In addition, area residents like ourselves are overwhelmingly opposed to this quarry. The quarry permit should be denied for the threats it poses to both the Town of Shelby NY and INWR.

Risks to the Public using the INWR from Truck Traffic

The Friends of Iroquois, to which my husband and I belong and I serve on the board of, has stated their strong objection to the proposed quarry, citing, "a devastating impact on many different levels and a threat to the mission of the refuge." Mining would be in operation from April through October from 6 AM-6 PM Monday through Friday and 6 AM-12 PM on Saturday. The DEIS states this would mean 240 trucks per day leaving the mine site on Fletcher Chapel Road going south on Sour Springs Road, west on Oak Orchard Ridge Road and entering Route 63 near Oak Orchard Creek. This route travels directly through the Iroquois National Wildlife Refuge. The proposed mine site is just north of Center Marsh on the refuge. Truck traffic would be routed between Schoolhouse Marsh and Ringneck Marsh on the refuge. In addition, the route would directly pass the grassland known as Forrestal Flats, which is a breeding ground for at-risk grassland bird species on the refuge. Such truck traffic will prohibit the use of the Oak Orchard Ridge Road where Iroquois Observations Field Trip leaders such as myself make a stop during our Birding By Car programs, during which refuge visitors are shown grassland bird species through spotting scopes on Saturdays. Risks such as these to the refuge integrity and the public are not acceptable. Iroquois Observations, an outreach program of the Buffalo Audubon Society, will no longer be able to use Oak Orchard Road for educating the public about the importance of the refuge to migratory waterfowl and grassland birds.



Water Effects on INWR

Oak Orchard Creek is a designated National Natural Landmark and must be protected as it meanders through INWR, a 10,828 acre refuge established under the Migratory Bird Conservation Act as an inviolate sanctuary for migratory birds. The refuge has 364 recorded bird species, 42 mammals, 29 amphibians and reptiles and 504 plant species. The refuge is home to two nesting pairs of Bald Eagles and currently up to 15 of their offspring use the refuge. All of these inhabitants lives are dependent on the health of Oak Orchard Creek.

Along with providing habitat for wildlife, the refuge also provides wildlife-dependent recreational opportunities like hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. Many of the refuge's recreational opportunities are dependent on wetlands. Examples of these wetland -dependent activities include birding for waterfowl, shorebirds, marsh and wading birds, hunting for waterfowl, fishing and providing educational programs that focus on aquatic species or wetland management techniques. Changing the water levels of our marshes at INWR will disallow many of the opportunities for the thirty to fifty thousand visitors to the refuge each year.

The DEIS states that 455,000 gallons of water per day would be drawn from Oak Orchard Creek for mining operations and once the water used, would be pumped into a ditch 300 feet from the refuge border. Water from the drainage ditch will flow directly into Schoolhouse Marsh on the refuge.

The continuous pumping of quarry discharged water will prevent the refuge from carrying out controlled draw downs that are necessary and scheduled for migratory waterfowl. This would adversely affect the marsh inhabitants. Frontier Stone has not provided proof from test wells that deeper water from under the Lockport Dolomite formation (which contains salts) released into refuge marshes will not change water quality. Such water releases from the continuous pumping that is planned will adversely affect marsh inhabitants.

My husband and I are skeptical of the Frontier Stone claim that only seventeen local wells may be affected by the quarry operations. In addition, the company has not addressed the effect their pumping will have on the Department of Labor Job Corp's well water. If the Job Corp well is negatively affected, the community stands to lose a valuable partner to the refuge and a valuable employer in the Town of Shelby. This will hinder the INWR from carrying out programs the Job Corp partners with INWR on.

In addition, local ponds may be affected by the quarry operations and Frontier Stone has not addressed this in their proposal.

Wildlife

As an active local birdwatcher for over 35 years, I am extremely concerned about the use of land adjacent to a National Wildlife Refuge and land in conservation nearby, for which eBird data

shows Short-eared Owls, Rough-legged Hawk and Northern Harrier present. These species frequent the area adjacent to or within ½ mile of the proposed mine from November through the complete month of April. Northern Harrier nest in the Forrestal Flats on the refuge. Proximity of the proposed mine to the Great Blue Heron Rookery, south of the mine site by just ¾ to 1 mile and to the Posson Road Short-eared Owl fields, just ¼ mile from the proposed mine site may adversely affect these species. Osprey nest at Ringneck Marsh and up to 15 juvenile Bald Eagles were feeding regularly at Ringneck and Schoolhouse Marsh during autumn of 2013. During drawdown years, Ringneck Marsh is an important stopover for migrating shorebirds, all of which face an uncertain future environmentally. Frontier has not estimated the road kill anticipated by this additional traffic on wetland inhabitants. Not only threatened species could be affected by this mine. The Job Corp on Tibbits Road also allows the refuge and The Friends of Iroquois to conduct a Purple Martin breeding program on their premises. Purple Martins declined in New York State by 40% between the last two NYS Breeding Bird Atlas Surveys. In fact, Purple Martins had declined by the greatest percentage of all bird species within the state. Our project at Job Corp has banded and fledged hundreds of Purple Martins in the past five years. Our greatest success has been at the Job Corp site where we have housing for 76 pairs of Purple Martins. This project would be put at risk due to noise from blasting.

Negative Effects on Refuge Programs

Swallow Hollow Trail, the signature trail of INWR, hosts the important Ambassadors of Conservation program run by Canisus College. To date, more than 11,000 middle school children from all over Western New York have participated in the Ambassadors of Conservation day-long wetlands conservation programs. The students are bused to Swallow Hollow Trail during this INWR/Friends of Iroquois sponsored program, which runs during the month of May. This 1.3 mile walking trail is only 2.4 miles from the proposed quarry site. Swallow Hollow Trail is not the only trail that will suffer an increased noise level due to mine blasting. Onondaga Trail on Sour Springs Road is another quiet and the perhaps the most pristine trail at INWR and is located just 2 miles from the proposed mine site, even closer than Swallow Hollow Trail. Blasting from a quarry is incompatible with nature study activities and public use of these trails which are known for their ability to provide a quiet experience in the outdoors.

Economic Impacts

The 30,000 to 50,000 visitors yearly to INWR and their dollars are far more valuable to our town and the towns nearby than what will be realized from a quarry operation. In a recent report released by the U.S. Fish and Wildlife Service on the economic benefits to local communities near INWR, the report indicated that 87% of the refuge visitors were non-resident-that is living greater than 30 miles away from the refuge. This report also showed that refuges return approximately \$4.00 in economic activity on average for every dollar the government spends. In an updated report of economic benefits to local communities near National Wildlife Refuges released by U.S. Secretary of the Interior in November 2013 showed that refuges contribute an average of \$4.87 in total economic output for every \$1.00 appropriated. This is significantly more than the \$1.58 return for every dollar spent by aggregate industry. Additionally, The Friends of Iroquois National Wildlife Refuge annually contributes over \$20,000 to support

activities at INWR, which includes maintaining trails, signs and informational structures, providing for youth hunt activities, conducting interpretive and educational programs. This does not include the countless hours volunteers contribute to these programs.

As taxpayers in the Town of Shelby, my husband and I are extremely concerned that the Frontier Stone Company will partner with a local educational institution in order to take advantage of the "START-UP NY" incentive whereby their business, "will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes." If this occurs, we will be left with a company that contributes nothing in tax revenue locally or at the state level for ten years. Quarries do not boost economic potential for anyone but the owners and their employees and certainly do not impact a local home's value positively.

Noise

Truck traffic noise within the INWR is significant now along Route 63 which divides the refuge from Fletcher Chapel Road to Casey Road. However, additional truck traffic noise directly within the refuge along an additional route from Sour Springs Road to Oak Orchard Ridge Road at the stated rate of 240 trucks per day in the months of operation, in addition to along Route 63, will take a toll on the refuge wildlife through disturbance, in effect reducing the wildlife usable area of the refuge. Frontier's proposal has not addressed this. The Frontier proposal does not provide analysis of actual blasting noise in decibels, nor does it explain how far the noise will be heard and how far the vibrations from blasting will be carried. The impact of blasting, vibrations, truck and loader noise will have negative effects on INWR and Town of Shelby residents.

Another of many negative aspects to this proposal regarding noise is the proximity of the proposed mine site to the Department of Labor Job Corp. The Job Corp employs 110 people and has 250 students, in comparison to the 6-16 jobs claimed to be provided by the quarry. The Department of Labor can move the Job Corp anywhere and it is likely a move would be considered once blasting commenced. The Job Corp has always partnered with the refuge on such projects as highway cleanup, refuge construction projects and Spring Into Nature, the refuge's major public outreach event. The refuge stands to lose a valuable partner if the Job Corp leaves this site due to noise. The Friends of Iroquois disagree that the establishment of mining operations "entirely avoids" the INWR since the proposal is instructing that truck traffic go through the refuge. The Friends of Iroquois also point out that impact differences between Plate 2 and Plate 3 show that proposed mining and blasting will be significantly increased in decibel noise level along Sour Springs and Oak Orchard Ridge Road, over what currently exists. Plate 3 also shows areas where mining and blasting noise reach into the refuge, as well as a vibration limit from blasting. This shows that the quarry operation does not completely avoid the INWR.

Land Use

In their proposal Frontier Stone states that "If the project site was not farmed, the only alternative would be residential development..." In fact, this parcel could be purchased and restored to a grassland habitat, to enhance the attractiveness of the nearby grassland north of Oak Orchard

Ridge Road. This would create a refuge extension that would be permanent open space, rather than the resulting from mining and blasting (after 75 years) of a 150 foot deep lake with minimal uplands.

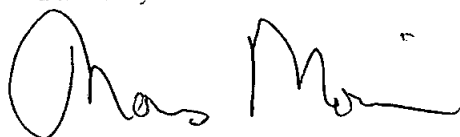
The risks to the Iroquois National Wildlife Refuge and the Town of Shelby from this stone quarry proposal are not acceptable.

We ask that the NYS DEC decline the permit for a stone quarry adjacent to the refuge. We ask that the Town of Shelby decline to rezone this area for mining operations.

Respectfully submitted,



Celeste Morien
Iroquois NWR volunteer and Friends Of Iroquois Board Member
Iroquois Observations Leader for Buffalo Audubon Society
12534 Hemlock Ridge Road
Medina, NY 14103



Thomas Morien
12534 Hemlock Ridge Road
Medina, NY 14103

B115

pg 1/1

From: Barbarah Henderson <henyoe131@yahoo.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 5/28/2014 12:20 PM
Subject: quarry

Dear Scott:

The proposed quarry adjacent to INWR seems like a very bad idea for several reasons... Also does anyone know who owns Frontier Stone? Please let me know if you know. Thankyou!

Peter Yoerg
394 Shirley Ave.
Buffalo, ny 14215
716-834-6316

Bill
pg 1/1

From: THOMAS H GOETZ <goetz@netsync.net>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/28/2014 8:43 PM
Subject: Iroquois National Wildlife Refuge

Scott E. Sheeley
DEC Regions 8

Dear Mr. Sheeley,

I am writing to ask that the NYS DEC decline the permit for a stone quarry adjacent to the only National Wildlife Refuge in Western New York. I have visited the Refuge for many years. It is such a unique birding and nature area for Western New York. When we visit we enjoy the birds and other wildlife and we also eat in area restaurants and even stay in area motels.

I believe a stone quarry adjacent to this refuge would be devastating for this fantastic wildlife refuge.

Please decline a permit for this stone quarry and save our great refuge.

Thank you.

Joanne Goetz
6 Pine Drive
Fredonia, NY 14063

B117
pg 1/1

From: Kurt Fox <kfbirder@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
CC: Celeste Morien <celeste.morien@gmail.com>
Date: 5/29/2014 8:00 PM
Subject: Iroquois National Wildlife Refuge and the stone quarry

Hello,

I wanted to express my opinion. I am firmly against the proposed stone quarry and traffic route through the Iroquois National Wildlife Refuge (INWR). I am a holder of a Lifetime NYS Sportsman License, as is my son. I am an avid birder.

Although I live over 30 minutes away, I frequent the INWR and vicinity monthly, on average, if not more frequently. Forrestal Flats, Oak Orchard Ridge Road, and Ring-neck Marsh are frequently on my stops in the refuge. I would not welcome the increased noise, road traffic and negative impacts that a stone quarry would bring. This location is near many Federal and NYS Threatened, Endangered and Species of Special Concern; many avian including a wintering and breeding locale of Short-eared Owls west of Posson Road, which is VERY near the proposed quarry site. Of all the gravel pits and abandoned quarries that I am familiar with, the remnants are nothing but barren wastelands, an eyesore, and a reminder of lost habitat. I am wondering when our government will start opposing the "progress" that industry proposes.

I could provide personal records and details, but hopefully the refuge and monitoring systems, and wildlife study has provided that data. Part of the attraction for me, and likely the wildlife as well is the "buffer" of agriculture around the refuges. A stone quarry would impinge upon that buffer. I sincerely hope that the stone quarry does not get approval.

Regards,
Kurt A. Fox

B118
Pg 1/12

From: Chuck Richardson <chucklit8@gmail.com>
To: <frontierstone@gw.dec.state.ny.us>
CC: <maziarz@nysenate.gov>, jared schickling <jschickl@hotmail.com>
Date: 5/30/2014 7:33 PM
Subject: Frontier Stone's Proposed Shelby Quarry

Dear DEC and Sen. Maziarz:

I was hoping you might take a look at this issue and take a stand to protect the Iroquois National Wildlife Refuge, Oak Orchard and Tonawanda state wildlife management areas from Frontier Stone's proposed blasting. In particular, I'd be interested in your feedback on my proposed reforms to the mining permit process. Please see the article below for more information.

Sincerely,
Chuck Richardson
35 Vermont Ave.
Lockport, NY 14094
716-433-3151
chucklit8@gmail.com

41 REASONS TO NIX FRONTIER STONE'S PLANNED QUARRY IN SHELBY
An Open Letter to the New York State Department of Environmental
Conservation
<http://chuckrichardson.blogspot.com/2014/05/41-reasons-to-nix-frontier-stones.html>

Synopsis: The *three reasons* Frontier Stone should not be allowed to develop a quarry in the Alabama Swamps are: 1) The impact statement *avoids a rational appeal* that allays the heightened civic concerns over its plan; 2) Frontier Stone *can't empathize with nature lovers*; 3) Frontier Stone has shown itself to be *uncaring and dishonest* in all drafts of its environmental impact statement, and *should not be trusted* to run a quarry in such a sensitive place.

Note: I waive my copyright to this article. Please feel free to copy and paste the whole thing or just part of it. Use it as you will, hopefully to write the proper authorities. Thank-you.

May 31, 2014

To: Scott Sheeley, Regional Permit Administrator, Department of
Environmental Conservation, Region 8 Office, 6274 East Avon-Lima Road, Avon,
NY 14414

Cc: frontierstone@gw.dec.state.ny.us; State Sen. George Maziarz;
Assemblywoman Jane Corwin; Joe Martens, DEC; Gov. Andrew Cuomo; Rep. Chris
Collins; Sen. Kirsten Gillibrand; Sen. Charles Schumer

Subject: Frontier Stone's Proposed Quarry in Shelby

Dear Mr. Sheeley:

I'd like to thank the DEC for rejecting Frontier Stone's four previous

B118
pg 2/12

draft environmental impact statements regarding the proposed Shelby Quarry.

I bet you wish the state would pass a three-strike rule so company's like Frontier Stone would stop wasting your time and taxpayer money with nonsense like this.

Reading the final [fifth draft?] I can just imagine your frustration's peaking, as I have *41 specific objections* to Frontier Stone's environmental impact statement in three general areas, and I'm by no means an expert. That means I expect you should be having many more substantial problems with it, being that you're tasked with *environmental* conservation by the citizens of New York's state.

These are the general categories my objections fall under:

- 1) Frontier Stone's proposed quarry's environmental impact statement *avoids any rational or reasonable appeal to counter and allay the heightened civic concerns* over its plan;
- 2) Frontier Stone's planned quarry would negatively affect the lives of more local residents than it would benefit. Most visitors rely on the Alabama Swamps as a place to reinvigorate their souls and live fuller lives more involved with the planet and their natural surroundings. *Frontier Stone seems unable to empathize with a nature-loving sensibility; *
- 3) *Frontier Stone has shown itself to be uncaring and dishonest in all drafts of its environmental impact statement, and should not be trusted* to run a quarry in such a sensitive location, going the extra step necessary to preserve INWR and state wildlife management areas.

Please excuse the outline format and length of this critique, but the mind-numbing redundancy and convoluted nature of Frontier Stone's statement made it difficult to absorb, much less coherently re-present.

The outline method seems to offer the most coherence.

I've taken the time to spell things out because I love the swamps so dearly, and would *hate* to see this project move forward.

I. NO RATIONAL ARGUMENT ADDRESSING PUBLIC CONCERNS

*1. *The DEC required the DEIS because of the proposed quarry's potential to "impact wildlife and wildlife habitats found in and adjacent to the Iroquois National Wildlife Refuge," especially regarding the effects of blasting. The statement does not adequately address this concern as *there are no long-term studies on the effects of blasting on wildlife habitat similar to the swamps.*

*2. *Of particular interest is *the effect the quarry will have on flood control, especially in light of weather resulting from global warming that would make Frontier Stone's plans for dewatering the quarry inadequate*. The Iroquois National Wildlife Refuge Comprehensive Conservation Plan and Environmental Assessment from 2011: "Over half of the Refuge is wetland (6,500 acres) with 4,000 of these wetland acres contained in 19 managed freshwater impoundments [this does not include the two state Wildlife Management Areas]. *Water levels are adjusted within and between years to mimic natural hydroperiods associated with unaltered wetlands.*

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*3. *Page 7 *details a whole lot of **blasting*. I live 3 miles east of LaFarge in Lockport, which is allowed to blast only once a month. When it does, the windows in my house rattle. I can't imagine what it's like on Hinman Road. I also can't help but wonder about the integrity of the berms undergoing such constant shock waves. Most important, *I shudder to think how the wildlife will handle this invasion of their refuge. No adequate studies have ever been done...to do so would be cruel.*

*4. *Page 7: "During operation of the quarry, groundwater and precipitation will seasonably accumulate in the quarry sump, initially located in the southeast corner of Phase 1. This water will be discharged via pipe to the adjacent agricultural drainage ditch via a settling basin system pursuant to a State Pollutant Discharge Elimination System Permit..." We're talking about a possible average of *1.44 million gallons of water per day containing dissolved natural gas, salt brine and hydrogen sulfide entering the Oak Orchard Creek watershed [if the climate remains the same]. The DEIS ignores climate change, among other things.*

*5. *""There may be *instances* such as NYSDOT mandated night paving projects *that necessitate mining and (or) processing outside of normal hours*." (pp. 7-8). Considering the drastic increase in truck traffic and the effect of seismic waves on roadways, one might imagine *ongoing road construction and a seemingly continuous mining operation*. Also, "Operations that are limited to these restrictions do not include, maintenance activity or other operations associated with industrial activity at the site (ex. HMA production or RMC production)." *This could totally mess with the circadian rhythms of neighboring fauna, and much more.*

*6. ***If an emergency situation occurs outside the Department [of Environmental Conservation's] normal working hours, the permittee shall notify the Department the next business day." [p. 8] REALLY? NEXT TO A NATIONAL WILDLIFE REFUGE? IF SOMETHING HAPPENED 6 P.M. FRIDAY BEFORE MEMORIAL DAY, THEY WOULDN'T HAVE TO CONTACT ANYONE UNTIL 9 A.M. TUESDAY? 63 HOURS OF SPILLAGE WITHOUT HAVING TO REPORT? REALLY?*

*7. *Have any studies been done on *the effects of long-term blasting on the wetlands' water table, silt, clay and bedrock? What about climate change? These concerns are ignored and Frontier's mitigation [p. 21], of "avoidance and buffer zones" and use of existing drainage ditches is dishonest and/or absurd.*

*8. **The entire DEIS **depends on the historical climate remaining the same.*

9. "...it is apparent that there will be no drawdown impacts or disruption of flow from the groundwater flow systems associated with the Oak Orchard Acid Springs...The amount of impact, if any, is only theoretical at this time [as is the lack of impact only theoretical]." And once again, climate change is not considered. *What happens if we have much more or much less water for extended periods of time in the not too distant future? Considering the "interconnected nature" of the present Lockport dolomite formation, might a more thorough water study be appropriate?*

10. Pages 116-17, which discusses "Water Quantity," where it states "The construction of the quarry...will introduce a certain added

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volume of groundwater to the "normal" runoff volume" of the "normal" amount of precipitation that falls on the "project area and migrates to the Refuge," thus affecting the amount of "normal" run-off from the Refuge, considering the climate remains "normal". The water quantity estimate is "based on the proposed plan to pump continuously throughout the year (including the winter months) and under the "assumption" that all the precipitation during December, January and February will accumulate as a snow pack that is "assumed" to melt during the month of March...It is also "assumed" that there will be no evaporation in March. The "assumption" of accumulated snow pack and lack of evaporation...will occur during the winter months... September is the month when water levels are at their "seasonal" low and the associated inflow to the quarry will be at a minimum." "What did Felix Unger say about ass-u-me?"

11. On page 123, the DEIS states that "Ditches and culverts below the USFWS-controlled Schoolhouse Marsh dam have been assessed and found to be or more than sufficient capacity to accommodate the quarry water discharge. "Little to no change is expected in these downstream systems from the quarry discharge water." But again, what about radically different water quantities thanks to climate change?" On page 125, the DEIS "admits that increased water discharges from the quarry, even without considering the possible radically increased amounts of precipitation due to climate change, will result in changes in or adaptations by the fauna and flora to "adapt to the new equilibrium." "Not if the weather's unusual for a few years. Even more asinine is the DEIS effort to extrapolate for "precipitation on an annual average basis. "The precipitation data used in this case was obtained from the NOAA...Rochester station...for the year 2012." [127] A yearly average takes more than one year of measurements. Those measurements should also occur on site*, not in the next county closer to Lake Ontario. "This is really shoddy work."

12. In its mitigation plans, Frontier claims "The location of the site access road is placed far from potential off-site receptors to minimize off-site impacts." In other words, the quarry's gate is as far away from human residences, which means it's as close as feasible to the swamps. "These priorities are contrary to the stated purpose of INWR and the surrounding complex". The statement further addresses air quality on p. 54, referring to the "few farm residences along Fletcher Chapel Road, Sour Springs Road and Southwood [sic] Road, which are existing receptors for air emissions." They forget to mention all the wildlife and other humans "using" the land for "recreational" purposes. Astonishingly, "this DEIS uses ambient measurements from a Rochester air quality station in Monroe County as typical background measurements of air quality in the swamps rather than actually test the air there [Rochester is also downwind of the Swamps, as the prevailing weather patterns flow from the west in general, southwest in particular]*. So the background air quality for INWR is the same as downwind Rochester's industry and exhaust emissions from road traffic*. It also uses state average ambient air qualities as a measuring stick, rather than the air quality that actually exists in the swamps now*. "So, of course, the quarry activities will not exceed Rochester's air pollution*. Nice. The rest of the air quality study is based on industry standards and funded research from the National Stone, Sand and Gravel Association

13. On page 111, the DEIS states: "Explosives used during the excavation process are comprised of ammonium nitrate and fuel oil, a

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potential contaminant to groundwater quality... Nitrogen, carbon dioxide and steam are produced upon detonation... These byproducts would be diffused and dispersed into the air at levels so low that it is *unlikely that a potentially significant impact would occur... Environmental factors such as the introduction of acid rain or changes in groundwater table elevation due to, for example, drought [or flood, climate change] conditions can alter groundwater chemistry affecting solubility of minerals." This is as close as the study comes to admitting that future projections based on historical data are faulty.*

14. Also, *the estimated decibel level* of a similar quarry the DEIS compares Shelby to has an average decibel level of about 75, which lies *somewhere between a vacuum cleaner in the next room and* something loud, intolerable like *a jackhammer in the street* [Figure 15 and p. 160]. On page 166 the DEIS reveals that quarry noise *at the Iroquois Job Corps* will be 56.3 decibels, somewhere *between an air conditioner and "loud unusual background noise." The same holds true at the Mallard and Schoolhouse Marsh overlooks*.

15. Traffic and Transportation—"Potential impacts from trucks include [and therefore are not limited to] combustion emissions and dust, noise and impacts to local traffic patterns [no mention of road maintenance that could waive the quarry's normal operating hours]... The project is projected to generate a daily average of 8 to 10 trucks per hour [about 1 truck every 6.25 minutes] based on projected maximum annual production over 220 days. This is equivalent to *128-160 truck trips per 8 hour day (64-80 trucks entering and... exiting [the Sour Springs Road gate])*...

*16. *Fishing—"There is no water body suitable for fishing within the AOI. No disturbance to fishing activity on Ringneck March [sic] is anticipated based on distance*." FALSE. THE MARSH IS ABOUT A HALF-MILE AWAY. THERE ARE NUMEROUS SPOTS TO DROP A FISHING LINE WITHIN A MILE OF THE QUARRY.*

17. Hiking—"Current refuge regulations would restrict hiking to designated areas from March 1 to July 14. There are no hiking trails within the AOI near the quarry and none are proposed." It should be noted the *seasonal restrictions are due to nesting Canada geese, great blue heron, osprey, bald eagles, great horned owls, and numerous other creatures giving birth in what is a designated safe haven*. The mining will definitely affect them in numerous ways. But also, it's important to note that *two trails, Onondaga on Sour Springs Road and Swallow Hollow on Knowlesville Road, are about 2 miles south and southeast of the proposed quarry*... so again, like the canoeing, the study's walking a fine line here... p. 15

18. In April 2006 the DEC said "The wildlife assessment needs to be significantly expanded and must clearly identify impacts to the nearby Iroquois National Wildlife Refuge. The assessment must include habitat impacts related to blasting, hydrology, noise, dust or any other potential environmental issues." [Vol. 3, Appendix 2, p.6]. *THE FINAL IMPACT STATEMENT DOESN'T EVEN COME CLOSE TO DOING THIS.*

19. APRIL 2006, DEC ASKED FOR "a more thorough analysis of seasonal discharge volumes and impacts must be provided." [p.7] *IMPOSSIBLE IN LIGHT OF CLIMATE CHANGE*.

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20. APRIL 2006 DEC: "The conclusion that ongoing mining and blasting activities will have no impact to wildlife in the INWR is unsupported [*ARE THERE ANY OTHER COMPARABLE MINES LOCATED NEXT TO A WILDLIFE REFUGE WETLANDS?]. The assessment of blasting focuses primarily on structural impact to nearby buildings. A discussion regarding the impacts of noise and vibration on wildlife and wildlife recreation is needed [*NONE PROVIDED IN FINAL DRAFT, NONE EXISTS, THIS QUARRY WOULD BE THE EXPERIMENT*].

*21. *DECEMBER 2009 DEC response, p. 38: "The report indicates [p55] that no potential bald eagle habitat exists on site, however, eagles could potentially use habitat on the refuge just to the south of the proposed site. Due to this species' need for 'quiet solitude' as mentioned in this report, *the quarry could make a section of the refuge unusable for bald eagles in the future, both for nesting and other activities*....Please provide detailed methods from field surveys. In particular, include the methods used for bird surveys including both on and off site. Short-eared Owl surveys (time periods surveyed, survey methods, survey locations, etc.) Also provide details from the walking survey of the Refuge. Spring bird surveys should be completed in the area of the refuge adjacent to the proposed quarry..." *THEY DON'T ADEQUATELY DO THIS IN THE FINAL DRAFT, AS ANYONE FAMILIAR WITH THE SWAMPS WILL TELL YOU THESE NUMBERS CAN FLUCTUATE DRAMATICALLY FROM YEAR TO YEAR...*

II. FRONTIER STONE'S NOT PROPERLY ATTUNED TO THE SURROUNDING ECOSYSTEM

*1. *Page 7: "The bedrock will be drilled and blasted by industry standard techniques. Blasting will take place on an as-needed basis. The days of the week or frequency is determined by market conditions, weather conditions and operational restraints during quarry development. *NO WILDLIFE OR HUMAN[E] RESTRAINTS CONSIDERED.*

2. Truck traffic will travel on Oak Orchard Ridge Road [1 every 6.25 minutes]...There is *a potential for annoyance to* wildlife watchers at the Schoolhouse Marsh overlook [omitted here are Mallard and Ringneck Marsh overlooks and those accessing Oak Orchard Creek and the newly developed trail on Rt. 63, onto which these trucks must turn]. It might also be noted this *"potential for annoyance" would last a lifetime, as the planned quarry would operate for 75 years.*

*3. *On p. 21, Frontier says it plans to "mitigate" the quarry's effect on wildlife by easing into the mining over a long period of time to "allow a gradual relocation of common wildlife species, if any, to a new habitat location*." It's important to note the DEIS is only talking about wildlife on the property, not the surrounding area. But the effect will likely be the same, *a dwindling of INWR's wildlife over time.*

4. Furthermore, the dodgy report says in a roundabout way on page 61 that a pair of Northern Harriers were seen foraging on the site and likely nest nearby. On page 60, *the statement minimizes the importance of the swamps' rebounding bald eagle population*, in which there are four active nests, by citing the fact the bird was delisted by USFWS as an endangered species due to its recovery. Horned Larks, however, a state species of concern, are present on the proposed quarry site. The statement minimizes this concern by saying horned larks "are a fairly common breeder locally in

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western and central New York." *When it comes to osprey, the DEIS is false: "TES observed one osprey fly over the site on July 13, 2010 and one was recorded on the INWR during the 2012 breeding bird survey...Recently an active osprey nest was observed on a powerline pole in the National Grid easement near the substation at the south end of the site*." Typically, these folks did one-day walk throughs and looked at historical records*. I can tell you for a fact of many more osprey and bald eagles nests around the complex—two in Ringneck Marsh alone. The blasting, if it's anything like LaFarge's, will destroy this habitat as well as an ever-changing blue heron rookery of several hundred nests*. This rookery, a wonder to stumble across, is never mentioned in the DEIS. Frontier proposes these Wildlife mitigation measures [p. 210]: "Phased mining will allow a gradual relocation of wildlife species to a different habitat location." So *Frontier's suggesting wildlife will have to seek refuge from the refuge*.

*5. *Frontier claims "Hunting has not been impacted by the numerous quarry settings elsewhere in the region." As wildlife disperse due to loss of habitat, they form rich pools for hunters to dive into. It's like herding them. *Deer shell-shocked from mine blasts, covered in dust, with increasingly dense populations are easier prey than healthy deer. But are they as good to eat if they were overly-stressed and sick at the time of shooting? *I also wonder if Frontier Stone is even aware of wetland trapping. Hunting is more than just using a shotgun on deer.

6. Interestingly, of the six alternatives to this project listed, only one, "No action," implied no quarry. A rather interesting way of presenting the situation...

*7. *The DEIS states INWR was created in 1958 from what "appears to be abandoned from active agricultural use within the last 50 to 60 years" [in other words, it's a wasteland; the statement says nothing about the duck hunters who made it happen through the Duck Stamp Act]...It goes on to say *current plans for INWR usage "provides a proposed management plan for the next 15 years," after which the INWR plan and purpose can be modified [p. 32]. TO WHOSE BENEFIT?*

*8. *Page 219 lists Frontier's best guess at the proposed quarry's "Adverse Environmental Impacts That Cannot Be Avoided:" Increased traffic on Sour Springs and Oak Orchard Ridge roads; Increased noise near the project site; Permanent removal of farmland; Potential for temporary development of a groundwater cone of depression. *Obviously missing from the list are the effects on wildlife and the emotional, spiritual toll this suffering will have on nature lovers [I can hear them laughing at me right now].*

9. APRIL 2006 DEC: Any increase in noise on the area will detract from the peaceful atmosphere which many visitors enjoy when visiting the INWR and state WMAs. *You asked Frontier Stone to address this issue in these terms and it failed to do so*.

*10. *Page 154, INWR's manager states that "...If the project site was not farmed, the only alternative would be residential development...This site could be used as open space and in fact *INWR has asked the landowner if he would be willing to sell the land to be incorporated into the refuge. The landowner declined..." I feel a certain hostility toward nature and the rule

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of law here on the part of the small minority of local individuals who would benefit from this deal at their neighbors' expense.*

11. INWR's 2011 response, pp. 185-86. 4.2.7.1: "...*the statement that an area is not conducive to hikers is a values judgment*. Different people have different perception regarding what is a quality recreation area." *Frontier Stone makes no effort to show it cares the least about people, biological entities with feelings, who think and perceive things differently than "it" does*. And if it can't empathize with people, what chance does it have of feeling Nature's pain? Hear them laughing?
III. FRONTIER STONE SEEMS UNETHICAL

1. Regarding its location: "South of the site is a National Grid power line and south of the power line is the Iroquois National Wildlife Refuge." [Vol. 1, p. 3]. Power line runs North-South, not east-west, and between the proposed mine and INWR lies the Iroquois Job Corps. Evidently the study's authors chose to omit this fact, in this particular place in the study, for some reason. This is at least the fifth time they've submitted a DEIS since 2006, each time it's been rejected for reasons that include sloppiness and laziness.

a. *SLOPPINESS AND DECEPTION*. FRONTIER STONE REFUSES TO SUBMIT A CLEAR AND PRECISE IMPACT STATEMENT.

*1) *The statement begins by *understating INWR's ecological function within the Great Lakes bioregion,* referring to it as merely "a significant natural resource," as opposed to an essential regional ecosystem [p. 32]. Furthermore, it *claims "The Refuge is approximately 25 miles west of Lake Erie [which would put it in Canada]"* VERY SLOPPY. *The study also incorrectly states the direction of Route 63, which runs north-south, by stating the road "bisects" the swamps east to west*. It also describes Route 63 as "functionally classified as a minor arterial" on p. 32, *downplaying how busy it is, after having up-played its traffic* to say how little the 10 trucks an hour from the quarry will affect Route 63's wear and tear, *omitting Sour Springs and Oak Orchard Ridge roads, which are on the Refuge.*

2) DECEMBER 2009 DEC: ..."IT WAS *DIFFICULT TO VERIFY* THAT SOME OF *OUR COMMENTS* PROVIDED IN OUR JUNE 13, 2008 AND JULY 8, 2008 LETTERS *WERE ADRESSED IN YOUR RECENT RESUBMISSION*...I HAVE EXAMPLES THAT I CAN PROVIDE OF SIMILAR RESPONSE LETTERS*..." IN GENERAL, THIS DEIS STATEMENT IS A TRAVESTY BOTH IN FORM AND CONTENT*. IT APPEARS INCREDIBLY INCOMPETENT, LAZY...*THEY CALL THEMSELVES PROFESSIONALS, BUT IF THEY WERE STUDENTS THEY'D GET AN F FOR THIS PAPER*...

3) Dec. *2011, same thing all over again*, dEIS and mine land use *plan deemed insufficient* by DEC. *Comments to Hellert begin with critique of statement's sloppiness*.

4) INWR'S RESPONSE TO THE DEIS IN 2011: "Page 66. 3.1.4.2. We were unable to find a Holt and Leasure (2008) reference in the Birds of North America (BNA). However, the Short-eared Owl section of the BNA...is available online and it appears that this is the reference that the applicant used. *The applicant suggests that based on BNA No. 62 'short-eared owls are also known to frequent mines and quarries.' In fact, BNA 62 states that

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short-eared owls 'may use' gravel pits and rock quarries. This information is cited from an earlier paper written by R.J. Clark (1975) in which he lists 'abandoned limestone quarry partially filled with stumps' and 'abandoned gravel pit' as places where he found short-eared owl winter assemblages*. Both of these areas are far different than the active stone quarry being proposed and to suggest that this area will somehow be attractive to short-eared owls once quarrying operations commence is *misleading*."

5) INWR's 2011 response: "Page 129. 4.1.2.2.4. We find the applicant's statement that '...the quarry's impact beyond natural seasonal variations and storm events is insignificant' to be *misleading*. *We feel that the continuous pumping of 251 gpm [1.44 million gallons per day] (or other volumes) of water into Refuge wetlands could be very significant. Natural seasonal variations in water levels will certainly be altered as will the ability of the wetlands to absorb storm events*." AND AGAIN, NO MENTION OF CLIMATE CHANGE.

*2. *Page 6, under "Construction and Operation," a berm ranging from 30-50 feet will surround the quarry and "will form a visual/noise berm." In other words, a rather large earthen wall will block the view of what was once a wide open space intended to remain that way. To get an idea what one looks like, *drive around the LaFarge quarry on Hinman Road in Lockport. Ask those residents if the berms help much against the blasting.*

*3. *Pages 99-100, section 4.1.2.2... Even more questionable is the DEIS use of an "important study of the Lockport Formation... conducted in the Love Canal Area" prior to 1984, to suggest Frontier's proposed quarry will be right in line with such standards effecting groundwater. *Basically, to Frontier, The Swamps=Love Canal for groundwater impact.*

*4. *Surface water is not considered in the statement's proposed mitigation measures. However, on p. 39, the DEIS states that the quarry's drainage ditches, which will be used in their current state, are considered by the U.S. Army Corps of Engineers to be regulated as wetlands until 2016. "Neither of those wetland areas would be affected during the first five years of mining," says the statement. *So obviously, those south-flowing ditches have a pretty shaky future in the coming decade. "When mining advances to Phase 2 the jurisdictional status of the wetlands will be confirmed and any applicable Corps...permit requirements... will be obtained prior to disturbance." So, by 2016 the ditches will get re-designated and fall under a different set of jurisdictional regulations more advantageous for Frontier. On page 112, the DEIS states: "There is potential that some runoff may be associated with the overburden berms." THEY DON'T CONSIDER WHAT THIS MIGHT DO TO THE SWAMPS.*

5. The blasting conducted...will avoid detrimental impact to structures in the vicinity...blasting will be monitored to document compliance with any requirements that are set forth in the mining permit." *Not a word said in this initial summary about the blasting's "potential" effect on wildlife*. Evidently, the ecosystem's not as of much concern as the neighbor farmer's shed or well...On p. 22, Frontier plans to mitigate the negative effects of noise and blasting by building those big berms that work so well for LaFarge's neighbors on Hinman Road, and claim that "properly functioning mufflers" will be on all equipment. Furthermore, heavy machinery that's not in use will not be "allowed to idle unnecessarily" and will have sufficient

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"distance to receptors," which I assume to be human ears that might hear a tree fall in the woods. It will also be quiet during the winter [unless weather and market conditions deem otherwise], hibernating like just about everything else in these parts. And interestingly, Frontier claims "Mining activity is largely confined within the excavation depression." Think about what that means. And that just has to do with the machinery noise. Now for how Frontier says it will minimize the effects of blasting: federal guidelines will be followed, "use of blasting patterns to optimize the energy to break the rock," "limit the number of blasts by increasing the yield of each blast," "blasting during the middle of the day when ambient noise is the greatest and people are most likely to be at work," "shots will be monitored by seismographs to aid in corrective blast design if needed." In other words, "we'll follow industry-lobbied guidelines and use our expertise to make bigger, more productive explosions only a couple times during the day when the swamps are so noisy anyway and the human population has left for work *[and elsewhere].

*6. *No ancillary processing facilities such as [*and therefore not limited to*] ready-mix or hot mix asphalt *are planned at this time* which would generate additional traffic." I think of the Peace Bridge on a hot August day, except I'm sitting at Mallard Overlook at Ringneck Marsh a mile south of the quarry on Sour Springs Road...eyes running, throat burning, wheezing...and all the poor animals choking under an orange sky. *Another "ancillary project" could include natural gas extraction, which isn't part of this plan, but would likely include pipelines.*

*7. *Wildlife—"...There are no endangered or threatened wildlife species nesting on the site. Northern harriers were noted foraging over the site. Adverse impact to northern harriers is not anticipated as there is extensive open field and agricultural areas nearby for foraging. Short-eared owls are known to occupy a winter roost over one mile from the site. While there is potential for short eared owls use the site for roosting during the winter months or for breeding. *Short eared owls are known to use quarries for foraging. No adverse impact to short-eared owls are anticipated." This statement walks a fine line between truth and prevarication. And remember that bogus claim earlier about short-eared owls using quarries? It's repeated here...and it's not true...they use abandoned quarries.*

*8. *Pages 58-60: Frontier also *falsely states that "Proposed mining areas have been located so as to avoid or minimize disturbance to any potentially sensitive or significant habitat, such as wetlands." As the study's use of "as well as" suggests, siting has been determined to avoid human residences, not wildlife. So in this respect, among others, the DEIS is dishonest*

9. "With the exception of an increase in truck traffic [1 truck every 6 minutes and 15 seconds for 12 hours a day, 66 hours a week] on Oak Orchard Ridge Road [omits the hill on Sour Springs Road], *the potential for disturbance to bird watchers is minimal." This is absurd*...p. 15-16.

IV. WOULD YOU LET A MONKEY WITH FINGERPAINT LOOSE IN AN ART GALLERY?

So the *three general reasons* Frontier Stone [the monkey] should not be allowed to develop a quarry [fingerpaint] in the Alabama Swamps [the art gallery] are: 1) The impact statement *avoids a rational appeal* that allays the heightened civic concerns over its plan; 2) Frontier Stone *can't

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empathize with nature lovers*; 3) Frontier Stone has shown itself to be *uncaring and dishonest* in all drafts of its environmental impact statement, and *should not be trusted* to run a quarry in such a sensitive place or to take the extra steps necessary to preserve INWR and state wildlife management areas.

In other words, this environmental impact statement is a sham. This type of deviousness and/or incompetence could be avoided in the future with *three basic reforms to the state mining application process*:

- 1*. Instill a three-strikes rule*, in which applicants only have three shots at attaining a permit for a site; after which the bid would be dropped. Loopholes regarding company name changes need to be applied.
2. Instill *higher environmental standards and hurdles for quarry applicants who wish to mine near protected ecosystems*, understanding the web-like nature of such systems.
3. *Develop a standard format for environmental impact statements* that must be followed to prevent companies like Frontier Stone from submitting shoddy applications as a form of doing business, hoping they'll outlast the people to whom they're applying. Environmental impact statements must be written in such a way the general reading public can follow without hassle. Basically, a truly professional statement must get an A in Comp 101 for a permit to be awarded near protected land or water. Why is that so hard for "professionals" to do?

I hope everyone who reads this open letter will seriously consider these reforms.

I'm also quite sure there's really no way you'll ever *legitimately* allow Frontier Stone to blast away in the swamps. You have the power to stop this thoughtless insanity now before it gets uglier, and I'm confident the DEC will do its job...though not certain.

Sincerely,
Chuck Richardson
Lockport, NY

FURTHER READING

<http://continentalplacer.com/pdf%20mar%202014/Volume%203web.pdf> 321-page report on Frontier Stone's proposal.

<http://chuckrichardson.blogspot.com/2014/05/will-iroquois-national-wildlife-refuge.html>

<http://chuckrichardson.blogspot.com/2014/05/battle-to-save-inwr-from-resource.html>

<http://www.godoshigen.co.jp/english/gas/index.html>

<http://www.frontierstonenewny.com/about-us>

<http://www.freewebs.com/stopthequarry/>

<http://www.harrisbeach.com/about>

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http://www.thedailynewsonline.com/news/article_6929ee66-d021-11e3-8a36-0019bb2963f4.html

Fontier Stone's environmental impact study:
<http://www.continentalplacer.com/>

http://www.thedailynewsonline.com/news/article_e2ac14f0-c6a6-11e3-88d4-001a4bcf887a.html
http://www.thedailynewsonline.com/news/article_c4b3a9d0-d660-11e3-a75b-0019bb2963f4.html

Cc:
frontierstone@gw.dec.state.ny.us

State Sen. George Maziarz, 175 Walnut St., Suite 6, Lockport, NY 14094. Phone:
(716) 434-0680/Fax: (716) 434-3297. maziarz@nysenate.gov

Assemblywoman Jane Corwin, 8180 Main Street, Clarence, NY 14221.
716-839-4691. <http://assembly.state.ny.us/mem/Jane-L-Corwin/contact/>

Joe Martens, DEC Commissioner, 625 Broadway, Albany, NY 12233-1011.
518-402-8545

The Honorable Andrew M. Cuomo, Governor of New York State, NYS State
Capitol Building, Albany, NY 12224. (518) 474-8390.
<http://www.governor.ny.gov/contact/GovernorContactForm.php>

Rep. Chris Collins, 1117 Longworth House Office Building, Washington, DC
20515. Phone: 202-225-5265/Fax: 202-225-5910.
<http://chriscollins.house.gov/contact>

Sen. Kirsten Gillibrand, <http://www.gillibrand.senate.gov/contact/>,
202-224-4451

Sen. Chuck Schumer, Buffalo Office <<https://www.blogger.com/null>>, 130
South Elmwood Avenue
#660, Buffalo, NY 14202. Phone: 716-846-4111/Fax: 716-846-4113
https://www.schumer.senate.gov/Contact/contact_chuck.cfm

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From: Caroline Zane <czane@rochester.rr.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 5/31/2014 6:53 AM
Subject: Frontier Stone Quarry

Dear Sir or Madam:

I am writing to oppose the proposed Frontier Stone Quarry to be located adjacent to the Iroquois Nature Wildlife Refuge - the only wildlife refuge in Western New York.

Between 35,000 and 50,000 people visit the refuge every year, contributing to the local economy. The refuge is home to 300 species of birds and has been designated an important bird area by the National Audubon Society. At a time when wildlife is on the decline, it is a bad idea to put a quarry beside such a sensitive area.

The air pollution, noise, dust, truck travel, groundwater withdrawal, and discharge of contaminated water will negatively affect wildlife and residents and deter visitors, while providing few jobs.

There is nothing more important to people and wildlife than clean, available water. Mining at the site could affect the aquifer that feeds Oak Orchard Creek and wetlands as well as disrupt groundwater for residents.

There are plenty of stone quarries in operation. This particular stone quarry is not necessary and should not be approved.

Sincerely,

Caroline Zane
110 Commodore Parkway
Rochester, NY 14625

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pg 1/2

From: Jared Schickling <jschickl@hotmail.com>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>, "...
Date: 6/1/2014 10:29 PM
Subject: Opposition to Frontier Stone's bid for a quarry near INWR

Dear DEC and Sen. Maziarz:

I am a resident of Lockport, NY, fifteen minutes from Shelby and the Alabama Swamps. I was born here, and I have chosen to stay here and, with my wife, raise a family. I am writing to you to express my opposition to the proposed quarry Frontier Stone hopes to open along the border of the Iroquois National Wildlife Refuge. The community here, by and large, does not want this to go forward. I do not know if you fully understand the importance of a place like INWR for us, how wrong it is to sacrifice it to an economic scheme that will surely not benefit anyone but a small few. I hope that you will be reasonable and deny Frontier Stone's bid for a mining operation in this sensitive area.

My specific reasons for opposing the quarry are as follows:

- 1) Pumping a million-plus-gallons of water a day, according to Frontier's DEIS, from the aquifer under INWR is absurd. There is no reason to think that draining this much water from the underground reservoir will do anything but severely impact the wetlands of INWR, and Frontier's DEIS does nothing, based on my cursory read, to allay this concern. Moreover, waste that will be washed away by this resource into local waterways that irrigate orchards and fields will include saline water and highly toxic hydrogen sulfide.
- 2) In Midwestern and southern states that allow fracking, underground caverns emptied of their contents have collapsed, sometimes leaving massive sinkholes above. This seems a real concern for the integrity of the INWR wetlands and infrastructure that is not addressed in the DEIS.
- 3) The noise from blasting so close to a wildlife refuge will inevitably have a large impact on the behavior of the fauna who currently live in and use it. The noise and shock waves from blasting will utterly transform the ecology of the area. At best, the DEIS glosses this reality.

B120
pg 212

4) The increased activity in the area and construction of infrastructure will have the same impact as in (3).

5) The needs of the few who will benefit from the quarry do not outweigh the needs of the many who will experience the quarry as a loss.

6) Frontier Stone ceased to exist in 1975, and the current incarnation was rather obviously formed for the purposes of the operation in Shelby. Exactly where its money is coming from is not made clear by Frontier Stone. This underscores the significance of (5), as we can't even be sure that the immense profits the quarry will surely return will remain in the area.

7) The DEIS a priori cannot be received as an objective analysis, because Continental Placer, the consulting firm that wrote it, is a hired gun paid by Frontier Stone and, thus, there is a natural conflict of interest.

In short, the quarry is a bad idea. I hope that you will do your best to oppose it.

Sincerely,

Jared Schickling

269 North Transit Street

Lockport, NY 14094

(716) 803-9228

jschickl@hotmail.com

6:00 Shelby Town Hall

DEIS

April 30th 2014
pg 118
5015
B8661

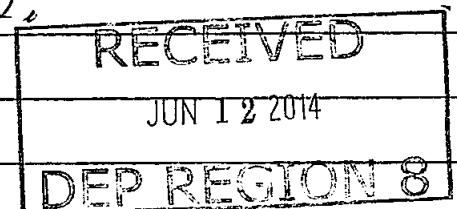
My wife Shirley and

My Name is Ken Printup, I Live 1/3 mile from the proposed quarry site on Fletcher Chapel Road. ~~We~~^{we} have ~~our~~^{our} concerns about ~~the~~^{our} well, The Noise and The Dust From The production of crushed stone being produced at The quarry.

The main reason for my concern is in response to statements made by an environmental attorney at a Shelby Town Board meeting representing Frontier Stone Inc. He said that new blasting technology helps focus the blasts, reducing noise and pinpointing the energy, that could still be pinpointed at my water source. This meeting took place on ~~Jan. 02, 2007~~ June 13, 2006.

On Jan. 02, 2007 at the planning board meeting, Mr. Mahan, principal owner of Frontier Stone also emphasized the need for new quarries to keep costs down from trucking stone and other building material to fulfill the need of road construction and building construction.

He talked about having to haul Black Top some 30 miles to supply the need.



1. The first part of the paper discusses the importance of understanding the underlying mechanisms of the system. This is crucial for developing effective interventions and policies. The authors argue that a comprehensive understanding of the system's components and their interactions is essential for any meaningful analysis.

2. The second part of the paper focuses on the methodology used in the study. The authors describe a multi-step process that involves data collection, analysis, and interpretation. They emphasize the need for transparency and reproducibility in the research process, providing detailed descriptions of the methods used at each stage.

3. The third part of the paper presents the results of the study. The authors report on the findings of their analysis, highlighting the key patterns and trends observed in the data. They discuss the implications of these findings for the field and provide recommendations for future research and practice.

B121
pg 218

We have 10 quarries within a 35 mile radius of The proposed quarry site. 9 are Limestone quarries of which 7 have asphalt plants. 2 have just stone products. 1 is sandstone.

As Lime is also av. at These quarries. For Farmers.

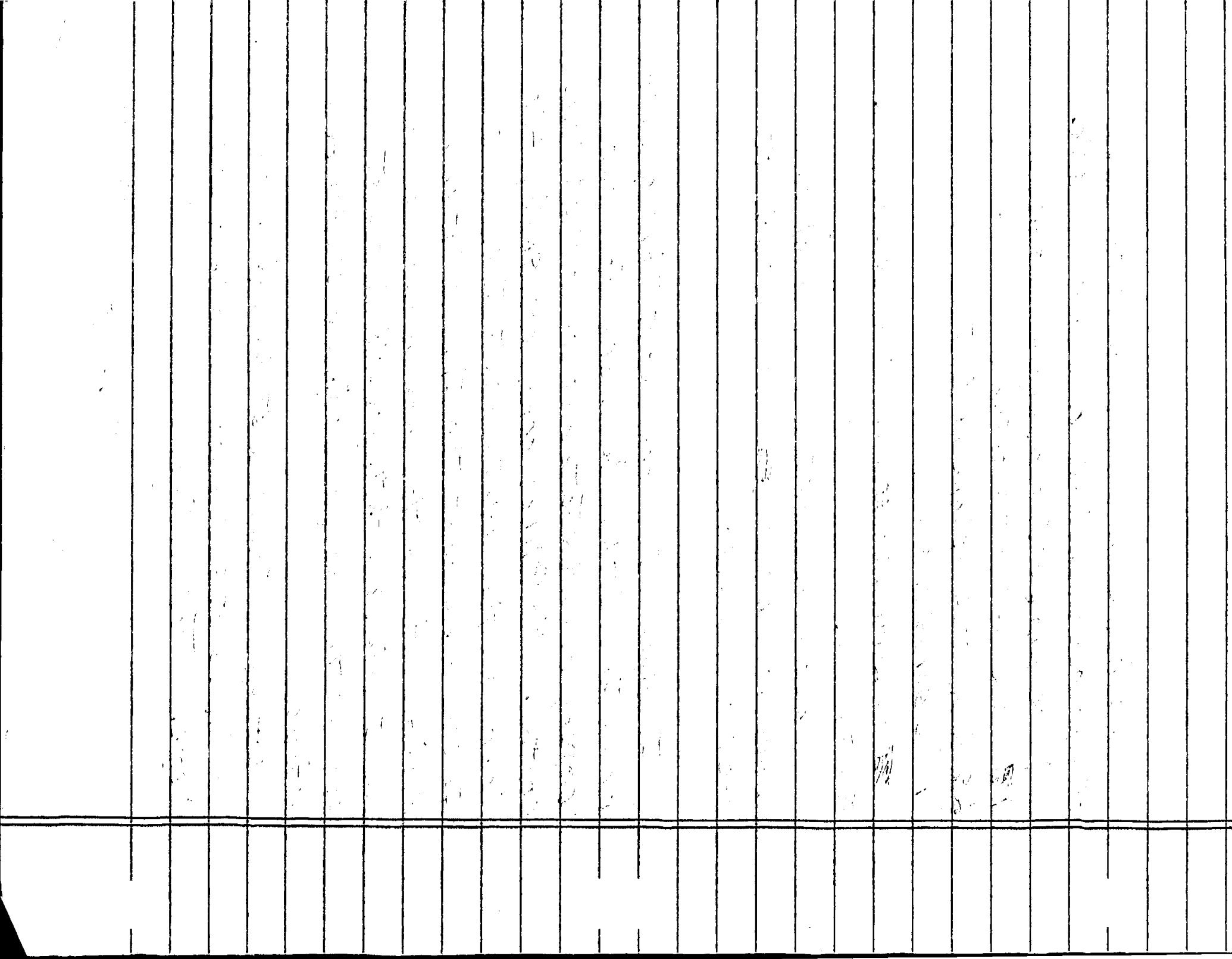
We also have 2 active sand wash and gravel pits within ~~the~~ a 10 mile radius of The proposed site.

In closing I worry about This quarry going in and then being sold to a large company out of state or even out of This country. Mr. Mahan considers Shelby H's Town and the people important to him. He is concerned about The Inguais National Wildlife Refuge. You are a business man and I understand that. You sold your last quarries to a company headquarterd in France; Lafarge.

Lafarge of France just merged with Holcim US of Switzerland. a 50 Billion Dollar Merge. To The Dec

Thank you

| |
|--------------|
| RECEIVED |
| JUN 12 2014 |
| DEP REGION 8 |



Good evening Your Honor, Town of Shelby Officials, DEC Representatives, and Friends.

My name is Carl Zenger. I live in Lockport, NY. I have been a volunteer at the Iroquois National Wildlife Refuge for over 16 years. ~~I given over 21,000 volunteer hours of my time to support the Refuge and drive about 7500 miles per year at my own expense to volunteer.~~ I am also a Past President the Friends of Iroquois National Wildlife Refuge and support its many projects and activities on the Refuge.

As a Friend and a tax paying citizen I am strongly opposed to placing a stone quarry within 300 feet of the Refuge boundary. The Refuge has 35 to 50,000 visits a year from hunters, nature photographers, fishermen, sightseers, nature lovers, College interns, school groups and others. The creation of a stone quarry this close to the Refuge would significantly decrease this visitation number and reduce the tourism dollars in this area. An unsolicited statement by the Public Employees for Environmental Responsibilities known as PEER out of Washington DC has listed Iroquois among the top 10 threatened Refuges in the US. This is not a recognition that we can be happy about or proud of. The Department of Interior estimates that Refuges contribute an average of \$4.89 to the economic output for every \$1.00 appropriated. This is over three times the value that the DEIS states that the Quarry would have. The decision to allow ~~the~~ ^{THE POSITIVE ECONOMIC} to be lost in this area ^{IMPACT OF THE REFUGE} is obviously a bad decision.

I see no advantage to having a stone quarry in this location and can see many disadvantages to having it. Items like heavy truck traffic, (480 trips per day - 6 days per week starting before 6AM and going after 6PM) blasting, ground vibration, noise, light pollution ~~at night~~, dust in the air and covering the surrounding area and roads, severe alterations to the water supply, pollution to the impoundments on the Refuge,

contamination to the ditches and fields where the water is pumped, major road

construction and maintenance, and the list goes on and on. The Forrestell flats where this water would flow (Estimated 554,000 gallons per day) ~~is~~ ^{was} habitat for many ground nesting

birds which are in serious decline in NY State and ⁱⁿ North America ~~wide~~. This

contamination plus ^{REQUIRED} altered habitat maintenance on the Refuge would be additional steps toward reducing their population and contribute to them becoming threatened or endangered species. This would lead to costing all of us tax dollars in efforts to try to prevent this from happening. It is requested ~~that~~ that the DEIS more clearly define the contaminants in this discharge water and how the maximum limits of all contaminants will be measured and controlled.

The National Audubon Society declared Iroquois Refuge and the adjacent State lands as

^{THE SECOND ONE IN THE STATE,}
An Important Bird Area. This was done due to the important birds that migrate, feed, and breed on these lands. This quarry would threaten a major portion of this land.

If anyone thinks that a stone quarry is a good thing to have in their neighborhood I suggest that they talk to some of the residents on Hinman Road in Lockport, NY. None of these people are happy about it and this is the same Company, Frontier Stone, proposing to open this quarry in the Town of Shelby.

I strongly urge the Town of Shelby Officials, NY State Government Officials, the DEC and all others who make decisions on this proposed quarry to not allow it to be approved.

I also request the DEC to extend the written comment period beyond May 12. With a proposal with 1000+ pages and having such a major negative impact on the Refuge, The Town of Shelby and the surrounding area more time is necessary to properly respond to the Draft Environmental Impact Statement.

Thank you for your time and consideration. And please vote no on allowing this quarry to be authorized at this location.

Carl Zenger-Concerned Tax Payer

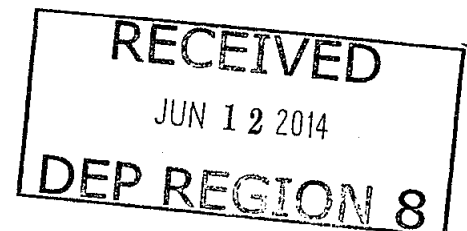
Stone Quarry 4-14
4/29/14

ALL OF THESE ISSUES WILL BE INCLUDED IN MY WRITTEN RESPONSE AS WELL AS MANY OTHER ISSUES AND WILL INCLUDE MORE DETAIL AND SUPPORTING INFORMATION.

I WILL ALSO BE WORKING WITH THE IROQUOIS JOB CORPS, LOCATED $\frac{1}{2}$ MILE SOUTH OF THE PROPOSED QUARRY TO PREPARE THEIR WRITTEN STATEMENT.

THIS IMPACTS 200-250 STUDENTS AND OVER 100 JOBS. A MAJOR LOSS TO THIS AREA IF IT IS FORCED TO RELOCATE.

Carl Zenger 30Apr14



B123
09/15

Sandy Mendel, President, Friends of Iroquois NWR, Inc., 1101 Casey Road, Alabama, New York. We are an independent volunteer support group at Iroquois National Wildlife Refuge.

I would like to make a few comments at tonight's meeting, please note that the Friends of Iroquois NWR, will be submitting these and additional comments in writing by the requested deadline.

The Iroquois National Wildlife Refuge is a 10,828-acre refuge located in Orleans and Genesee Counties in Western New York, established in 1958 under the Migratory Bird Conservation Act as an inviolate sanctuary for migratory birds. Refuge habitats consist of 4,190 acres of uplands and over 6,600 acres of wetlands. The refuge has recorded more than 300 bird species, 42 mammals, 29 amphibians and reptiles, and 504 plants. The refuge is also home to two nesting pairs of bald eagles. All of which are potentially effected by the establishment of a stone quarry located along the northern border of the refuge. Oak Orchard Creek meanders through the refuge and is designated as a National Natural Landmark. *and is also vulnerable to negative impact.* In the Town of Shelby, Iroquois NWR encompasses 5,374 acres, which is about 50% of the refuge's land and about 18% of the Town's land base. Refuge wetland acres comprise about 44% of the wetlands in the Town of Shelby.

Along with providing habitat for wildlife, the refuge also provides wildlife-dependent recreational opportunities like hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation opportunities. Many of these recreational opportunities are dependent upon wetlands.

The popularity of the refuge's wildlife recreational opportunities is important to the local community as well as folks who travel to the area to visit the refuge. Between 35,000 and 50,000 people visit this refuge each year. At a public meeting in December 2007, here in Shelby, it was mentioned that the U.S. Fish and Wildlife Service released

a report on the economic benefits to local communities near National Wildlife Refuges. That report indicated that 87% of refuge visitors were non-resident- that is living greater than 30 miles away from the refuge. This report also showed that refuges return approximately \$4.00 in economic activity on average for every dollar the government spends. In an updated report of economic benefits to local communities near National Wildlife Refuges released by the U.S. Secretary of the Interior in November 2013, it was shown that refuges contribute an average of \$4.89 in total economic output for every \$1 appropriated; quite a significant difference than the \$1.58 return for every dollar spent by aggregate industry (Volume 1 page 17 DEIS). Additionally, The Friends of Iroquois National Wildlife Refuge annually contributes over \$20,000 to support activities at the Iroquois NWR, which does not include the countless hours that volunteers contribute to these programs.

Please let me draw attention to the following statement "Almost the entire southern sector of the Town (*reference to Shelby*) contains the Iroquois National Wildlife Refuge, a significant natural resource, containing wetlands, and wildlife habitat. The Refuge provides the region with education and recreational opportunities, as well, including hiking and wildlife observation"

This statement was taken from Volume 1 page 84 of the DEIS and is presented as justification as to why the location of the quarry meets the Town of Shelby's number 3 requirement for most favorable locations for mining, stating that:

"Cultural, Community, and Natural Resources are minimally or not at all impacted"

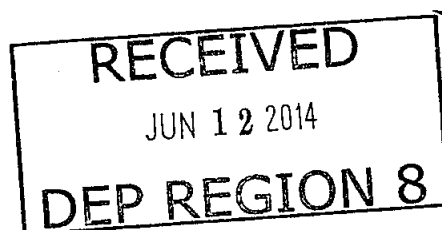
The proposed quarry will, under the best of circumstances, negatively impact environmental quality, and thereby jeopardize both the health of the citizens of Shelby and the critical conservation efforts of the Refuge.

B123
pg 3/3

The dust and noise of blasting, huge water displacement, water and light contamination, substantial increases in truck traffic with attendant air pollution and road wear are the expected and unavoidable consequences of a quarry operation. Such consequences will almost certainly degrade the quality of the environment in the nearby Refuge. Any degradation in air, water, and soil, compounds the already difficult mission of the Refuge. And, what is not good for the wild things in the Refuge can't be good for the citizens of Shelby.

The Friends of the Iroquois National Wildlife Refuge believe that opening a quarry operation near the Iroquois National Wildlife Refuge is a threat to the mission of the Refuge, and to the community of which it is an integral part. We, therefore, stand in opposition to the proposed quarry.

Thank you for the opportunity to address this forum.



Alan Patricia Bushover
5140 E. Shelby Rd
Medina NY 14103
585-798-3711
June 2, 2014

B124
pg 1/1

Scott Sheeley
Regional Permit Administrator DEC
Region 8
6274 Avon- Lima Road
Avon, N.Y. 14414-9519

Dear Mr. Sheeley:

On April 30, 2014 my husband and I attended the informational meeting on the proposed quarry to be located on the Sour Springs Rd in the Town of Shelby. Our home of 35 years is located approximately 2 miles west of the proposed quarry. The main reason we purchased in this area was for the rural setting.

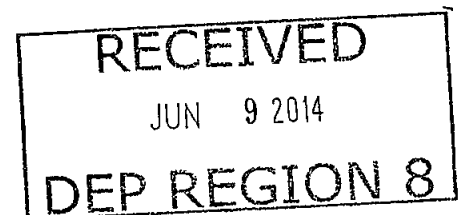
We strongly oppose the permitting of this quarry for the following factors:

1. The harm that it would do to the **three** wildlife refuges by either flooding or draining the pond, and wet land areas.
2. The harm it would do to the wildlife that currently inhabits the area by destroying the land the noise, dust, and increased traffic.
3. The change of character of the area by allowing mining in an Agricultural /Residential Zone from peaceful country to polluting industry.
4. The harm the quarry would do to the water tables effecting wells and draining valuable water resources.
5. The harm in the fouling and flooding of the valuable water sheds that are located in the area harming fish and wild life all the way to Lake Ontario.
6. The harm it would do to the large STAMP project that is to be located in the Town of Alabama.
7. The cost to the tax payer to repair and replace the rural town roads that were never meant to carry heavy truck traffic.
8. The harm to the buildings and homes that the blasting will cause. Most of the houses in this area are of older construction.
9. The loss of visitors to the wildlife areas.
10. The loss of the quality of life that is to be found in country living.

In closing we would like you to consider the concerns of the residents of the Town of Shelby regarding the location of the quarry and the impact it will have on the lives of so many both in the area and those who visit the area. No one wants to look a scared, flooded and polluted wildlife area.

Respectfully

Alan & Patricia Bushover



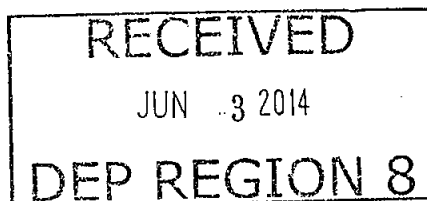
B125
pg 1/1

John T. O'Brien
8622 Seven Springs Rd.
Batavia, NY 14020

June 2, 2014

To:

Scott E. Sheeley,
Regional Permit Administrator
DEC Region 8
6274 Avon-Lime Road
Avon, New York 14414-9519



Merle Draper,
Shelby Town Supervisor
Shelby Town Hall
4062 Salt Works Road
Medina, NY 14103

Dear Sirs:

My name is John O'Brien and I have a great portion of property that was dedicated in my honor located on the Iroquois National Wildlife Refuge. This property is on Route 63 north of the creek and south of the power lines. Through many of my wonderful friends and Ducks Unlimited they raised over \$192,000 to be able to make this dedication to me possible. This area has been set aside for the nesting purposes for waterfowl. Needless to say, I definitely would not want anything to affect this property adversely.

The proposed stone quarry would have a devastating impact on this area and would most certainly be a threat to the missions of both the Refuge and Ducks Unlimited which is to protect the environment. We have a saying in Ducks Unlimited we must keep in mind, "When one touches any thread in nature they soon finds it's attached to everything else".

I am very much opposed to this proposed stone quarry near the Iroquois National Wildlife Refuge. Hopefully you will take my opposition to heart and not place it in this area.

Thank you for your consideration to my request.

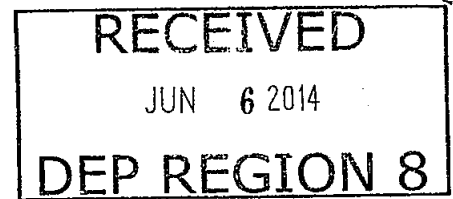
Sincerely,

A handwritten signature in dark ink, appearing to read "John T. O'Brien". The signature is fluid and cursive, with the first name "John" and last name "O'Brien" clearly distinguishable.

John T. O'Brien

B126
pg 1/1

KATHLEEN M. CONTRINO, ESQ.
3775 Colin Court
N. Tonawanda, New York 14120
(716) 417-2626



June 3, 2014

Scott E. Sheeley
Regional Permit Administrator
DEC Region 8
6274 Avon-Lime Road
Avon, New York 14414-9519

Merle Draper
Shelby Town Supervisor
Shelby Town Hall
4062 Salt Works Road
Medina, New York 14103

Re: Proposed Stone Quarry near Iroquois NWR

Dear Mr. Sheeley and Supervisor Draper:

This letter is in opposition to the proposed stone quarry near Iroquois NWR. Iroquois is an unique and complex eco system which could be harmed in irreparable ways if Frontier Stone Quarry is issued a permit to mine the land located so close to the refuge. Adjacent to Iroquois is the Tonawanda and Oak Orchards management areas which would also be at risk if the proposed quarry were approved.

It is hard to believe that whatever economic interest that Frontier Stone Quarry has in the property they would like to mine surpasses the rich wildlife that depends on the refuge, the enjoyment from innumerable people who visit every day (families, conservationists and hunters alike) and the quality of life for those citizens who live close to the refuge.

I have been visiting the refuge for the last 20 years and have found a peace and beauty unmatched anywhere but a few places. Every time I would go to the refuge I would say "wouldn't it be wonderful to live here." So when my husband and I were looking to move into a place with more acres of property the area surrounding the refuge was a natural choice. I am happy to say that I will soon be moving to Newstead which is about 10 minutes from the refuge. I don't know anyone who says "wow, I'd really love to live next to a quarry, with its nice, smell and loud noises from mining the land."

I had hoped we had left the era where business interests in destroying the land overwhelmed those every day citizens who live there. Have we learned nothing from the damage that has come from such policies that have damaged the Everglades, community around Love Canal, and, more recently, Pennsylvania towns impacted by fracking?

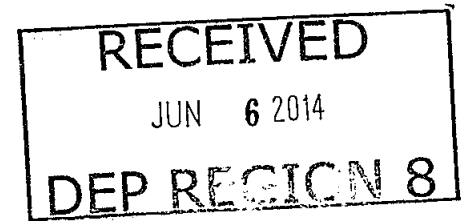
Please make the right choice. Deny the permit for Frontier Stone Quarry.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kathleen M. Contrino".
Kathleen M. Contrino

Carl G. Zenger
5859 Beattie Avenue
Lockport, New York 14094

Scott E. Sheeley, Regional Permit Administrator
DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519



June 3, 2014

Dear Mr. Sheeley:

My name is Carl Zenger and I am a Friend of the Iroquois National Wildlife Refuge. I am writing to respectfully submit my very strenuous objections to the proposed Frontier Stone Quarry Operation planned for Fletcher Chapel Road and Sour Springs Road, just 300 feet from the Refuge boundary, and I ask that you deny their request for a permit to mine.

I object to the quarry due to multiple factors worthy of your consideration and review. I respectfully request that the Department of Conservation consider each of these points while making a determination regarding the permit Frontier seeks. I strongly believe that, once a thorough review of the facts has been completed, the DEC will have no other position but to deny the permit due to the very clear negative impact the mine would pose to the Iroquois National Wildlife Refuge (INWR) and the surrounding community in the Town of Shelby, NY. The risks and outright immediate harm far outweigh any benefits Frontier has outlined in their DEIS submission. Some of the issues are as follows:

- The residents of the community are strongly opposed to this quarry
- The negative impact the quarry will have on existing wells and ponds in the area. There is a possibility that Schoolhouse Marsh, Center Marsh and Ringneck Marsh on the Refuge could be effected or drained. Not sufficiently addressed in the DEIS.
- The severe impact the quarry would have on the Iroquois Job Corps Center located only one half mile away. This involves 200 to 250 students and 110 employees. Not even mentioned in the DEIS
- The large volume of water pumped out of the quarry and dumped on the Refuge. The stated 544,000 gallons per day is obviously understated and the contaminants are not defined. Further clarification on the issue is requested in the DEIS. What chemicals are in this water and how will they be measured and controlled?
- The disruption caused by the 240 trucks per day driving through the Refuge (480 trips per day) to access the quarry. The noise, dust, pollution and congestion this would cause on the Refuge are not acceptable. No solution or control of this is mentioned in the DEIS. The statement that this would have no further impact on the Refuge as Route 63 is nearby is obviously false. The fact that two major overlooks are on Oak Orchard Ridge Road makes them unusable for the public to access and enjoy. The handicapped hunting area is also located on Oak Orchard Ridge Road and this area would no longer be useable for hunting and difficult for anyone to access. Not addressed in the DEIS.
- The impact on the wildlife that use the Refuge will be seriously altered and cause a large part of the Refuge to become void of wildlife and destroy the desired habitat that has been created.

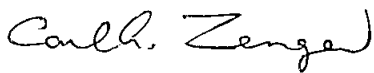
B127
pg 2/2

The purpose of the DEC is "To conserve, improve and protect New York's natural resources and environment and to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being. The decision to allow this mining permit to be approved would be counter to several things in this mission and discredit the DEC.

No provisions are provided in the DEIS to acquire additional suitable land adjacent to the Refuge to offset the land that is lost for suitable wildlife habitat as a result of the negative impact of this quarry. This must be addressed.

It is overwhelmingly obvious that the benefits of allowing this quarry are heavily out weighted by the many disadvantages to it both on the Refuge and in the community. Only a few reasons are mentioned above out of the many that exist. This is the time to deny a permit for this quarry to be initiated.

Respectfully,



Carl G. Zenger

CC:

SHELBY TOWN SUPERVISOR – Merle Draper

SHELBY TOWN BOARD MEMBERS:

Kenneth Schaal

William Bacon

Dale Stalker

Stephen Seitz Jr.

TOWN CLERK – Darlene Rich

Address: Shelby Town Hall
4062 Salt Works Road
Medina, NY 14103

B128

pg 1/2

frontierstone - FW: Proposed quarry

From: Darlene Rich <DarleneRich@townofshelbyny.org>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 6/3/2014 8:12 AM
Subject: FW: Proposed quarry

Dear Scott,

Attached is another letter relating to the proposed stone quarry in Shelby. Thank you in advance for your attention into the matter.

*Darlene Rich, CMC/RMC
Town Clerk/Tax Collector
Town of Shelby
4062 Salt Works Road
Medina, NY 14103
(585)798-3120 ext. 301
Fax (585)798-1108
Email: darlenerich@townofshelbyny.org*

From: Skip draper [skipdraper@verizon.net]
Sent: Monday, June 02, 2014 5:09 PM
To: Darlene Rich; kschaal-external; Dale Stalker; William Bacon; seitz-external
Subject: Fwd: Proposed quarry

FYI

Sent from my iPhone

Begin forwarded message:

Resent-From: <mdraper@townofshelbyny.org>
From: Jody LaRose <jplarose@frontiernet.net>
Date: June 2, 2014 at 4:13:59 PM EDT
To: <mdraper@townofshelbyny.org>
Subject: Proposed quarry

Dear Supervisor Draper,

I do not live in Shelby but have visited The Iroquois National Wildlife Refuge for hiking and bird watching. I am very distressed by the proposed quarry for many reasons and I am sure that you have received numerous e-mails listing all the problems that the quarry will cause—excessive trucks on the local highways which will take a toll on the rural environment and the road infrastructure, the disruption of the Iroquois Nat. Wildlife Refuge inhabitants and visitors—human and other species. But to me one of the most important reasons to oppose this quarry is the estimated 455,000 gallons of water that will be drawn from Oak Orchard Creek for the mining operations. Water is a finite

B12-8
pg 2/2

resource and should not be wasted or abused. Once that water is used in the mining, its quality is lessened. I also understand that the Job Corps has a site nearby that has a major economic importance since it employs 110 people and has 250 students. The proposed mine might employ up to 6-16 jobs. The loss of the Job Corps would certainly not be easily replaced by the mining operation. I ask that you and the town of Shelby reject the proposal for this new quarry mining operation.

Sincerely,

Jody LaRose

Rochester, NY 14624

BUFFALO AUDUBON SOCIETY, INC.

A CHAPTER OF THE NATIONAL AUDUBON SOCIETY EVENTS ON LINE AT WWW.BUFFALOAUDUBON.ORG

1610 WELCH ROAD, NORTH JAVA, NEW YORK 14113 (585) 457-3228 (800) 377-1520 FAX: (585) 457-1378



est. 1909

June 4, 2014

Mr. Scott E. Sheeley
Regional Permit Administrator, DEC Region 8
6274 Avon-Lima Road
Avon, New York 14414-9519

Shelby Town Board
4062 Salt Works Road
Medina, NY 14103

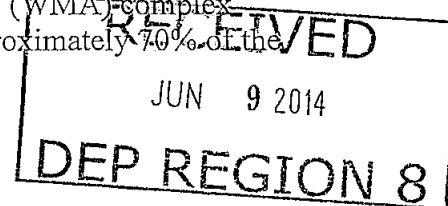
Dear Mr.-Sheeley and members of the Shelby Town-Board:-

On behalf of the Buffalo Audubon Society, a local chapter of the National Audubon Society representing more than 3,300 members, we thank you for the opportunity to share with you our significant concerns regarding the Draft Environmental Impact Statement (DEIS) for the proposed Frontier Stone Quarry in the town of Shelby, NY, North of the Iroquois National Wildlife Refuge. This Refuge and the surrounding area is designated as an Important Bird Area (IBA) by Audubon and our BirdLife International Partners. This project will result in significant impacts to the birds and other wildlife that depend on this unique area in and around the refuge and the Lake Ontario Plain.

We are deeply concerned that the potential negative impacts upon birds and other wildlife found at the Refuge and across the broader Lake Ontario Plain, upon water quality and quantity throughout associated watersheds, upon the tens of thousands of children and families that visit the Refuge and associated properties each year, and upon the quality of life of the communities surrounding the proposed Quarry were not taken into adequate consideration in the DEIS. In particular, the DEIS lacks any reference to the status of this site as an IBA, and undervalues the significant loss of agricultural grassland habitat that will happen through this project.

The Iroquois National Wildlife Refuge and associated Wildlife Management Areas have been recognized by the National Audubon Society and our BirdLife International Partners as an IBA. IBAs have been identified according to standardized, scientific criteria through a collaborative effort among state, national, and international non-governmental conservation organizations, state and federal government agencies, local conservation groups, academics, grassroots environmentalists, and birders. These areas represent the most important places for bird species vulnerable to habitat loss or disturbances. New York's IBA program began in 1996, and since then Audubon New York has designated additional sites as IBAs and evaluated existing IBAs to ensure they continue to meet the IBA criteria. Out of the 130 IBAs identified in New York, the Iroquois National Wildlife Refuge/Oak Orchard and Tonawanda Wildlife Management Area was one of the inaugural sites identified for its importance to migrating water fowl and grassland birds. As described on the National Audubon IBA web site:

Otherwise known as the 'Alabama Swamp,' the Iroquois National Wildlife Refuge (NWR) /Oak Orchard and Tonawanda Wildlife Management Areas (WMA) complex encompasses nearly 20,000 acres of protected wildlife habitat; approximately 70% of the



site is wetland habitat. There are also grassland and forest habitats. Approximately 1,400 acres are managed as grasslands. The surrounding area is mainly agricultural. Iroquois National Wildlife Refuge (10,800 acres) is owned and managed by the U.S. Fish and Wildlife Service, while Oak Orchard (2,500 acres) and Tonawanda (5,600 acres) Wildlife Management Areas are administered by the NYS DEC.

This important site for breeding and migratory waterfowl hosts an estimated 100,000 waterfowl every spring. The area also supports many at-risk species, including the Brant, American Black Duck, Pied-billed Grebe, American Bittern, Least Bittern, Osprey, Bald Eagle, Northern Harrier, Sharp-shinned Hawk, Cooper's Hawk, Upland Sandpiper, American Woodcock, Black Tern, Short-eared Owl, Whip-poor-will, Red-headed Woodpecker, Willow Flycatcher, Sedge Wren, Wood Thrush, Blue-winged Warbler, Golden-winged Warbler, Cerulean Warbler, Prothonotary Warbler, Yellow-breasted Chat, Grasshopper Sparrow, Henslow's Sparrow, and Rusty Blackbird. All migratory species that breed at this site also use it during migration. The site has also supported a large Great Blue Heron rookery. [<http://netapp.audubon.org/IBA/Site/1729p>]

In addition, the New York State Department of Environmental Conservation (DEC) has recognized significant portions of this complex as a Bird Conservation Area (BCA). As outlined on the DEC web site:

The New York State Bird Conservation Area Program was established in 1997 to safeguard and enhance bird populations and their habitats on State lands and waters. The goal of the Bird Conservation Area (BCA) Program is to integrate bird conservation interests into agency planning, management and research projects, within the context of agency missions.

The BCA Program is modeled after the National Audubon Society's Important Bird Areas (IBA) program, which began in New York in 1996. The BCA Program applies criteria developed under the IBA program to state-owned properties. To date, fifty-two BCA sites have been designated.

The Oak Orchard/Tonawanda Bird Conservation area is a large complex consisting mainly of managed emergent marshes, swamps and other wetlands, as well as extensive grasslands. Large numbers of wetland dependent birds breed here, and the site is an important migratory stopover for waterfowl and wetland-dependent birds. Grasslands provide nesting habitat for waterfowl and numerous grassland bird species. These two state parcels (Oak Orchard Wildlife Management Area, Tonawanda Wildlife Management Area) are at opposite ends of the 11,000 acre Iroquois National Wildlife Refuge. As a whole these areas comprise over 19,000 acres of wetlands and grasslands, much of which have been managed to provide habitat for a variety of birds.

[<http://www.dec.ny.gov/animals/27107.html>]

The Refuge and associated Wildlife Management Areas that have been recognized as an IBA and/or BCA are also part of the Lake Ontario Plain physiographic and eco-region, which contains habitat of great importance to migratory birds. A recent study by Audubon New York and the Nature Conservancy highlights the importance of the Refuge and associated WMA's, as well as portions of watersheds that include the Refuge, for migratory birds [France, K. E., M. Burger, T. G. Howard, M. D. Schlesinger, K. A. Perkins, M. MacNeil, D. Klein, and D. N.

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p)

Ewert. 2012. Final report for Lake Ontario Migratory Bird Stopover Project, prepared for the New York State Department of Environmental Conservation, in fulfillment of a grant from the New York Great Lakes Protection Fund]

Finally, the Lake Ontario Plain is a significant part of Bird Conservation Region 13. As stated in the Bird Conservation Plan for the Lower Great Lakes/St. Lawrence Plain Bird Conservation Region (BCR 13), p. 3:

The Lower Great Lakes/St. Lawrence Plain Bird Conservation Region (BCR 13) provides continentally-important habitat resources for migratory birds. The highest bird habitat values are associated with its major aquatic features (i.e., Lake Erie, Lake Ontario, the St. Lawrence River), and associated wetlands, which provide critical staging areas for migratory waterfowl, waterbirds, and shorebirds; several key areas are also funnels for migrating landbirds. BCR 13 provides some of the most important breeding habitat in Eastern North America for birds associated with wetlands, grasslands, and shrubs. Most landscapes in BCR 13 have been highly modified from their original, natural condition, and are now dominated by agricultural activities or human/industrial development, including large, urban areas and a large proportion of Canada's total human population. Habitat loss and degradation (e.g., fragmentation, intensive agriculture, pollution, invasive species) are the greatest threats to bird populations in BCR 13.

Each of these local, state, regional, national, and international designations and management plans recognize the importance of the Refuge, associated WMA's, and adjacent land for migratory birds and other wildlife. As this proposed quarry has the great potential to impact the habitat value of the region it is critical that DEIS fully identify the threats posed to the wildlife and of the region and appropriately address steps, including promoting the no action alternative, to prevent the proposed impacts from the mining operation.

In addition to the direct terrestrial habitat impacts noted above, it is also important to address and document the water discharged from the proposed mine and the impacts this may pose to areas significantly downstream from the mine complex, including river and creek outfalls into Lake Ontario – areas where significant congregations of migratory birds, fish and other wildlife may congregate. The mouth of Oak Orchard Creek is widely recognized as a world-class brown trout fishing site. However, impacts of the quarry on these distant locations are not adequately considered in the DEIS, and this oversight must be corrected in the Final EIS.

Finally, we find the economic arguments used to justify this project in the DEIS to be unpersuasive. They fail to adequately account for the economic impacts to environmental and public health. In our view these hypothesized benefits for the project are far outweighed by the economic benefit brought to the region by the tens of thousands of birders, wildlife watchers, hikers and other outdoors enthusiasts who visit the Refuge and associated WMA's. According to the 2011 US Fish & Wildlife 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation more than \$4.2 Billion is generated from bird watching in New York State, not to mention other outdoor activities that occur at the Refuge. The Final EIS must take the significant economic contributions of these recreational activities into account and discuss the

potential lost revenue from the loss of habitat and other disturbances to wildlife associated with this project.

We once again appreciate this opportunity to comment on the proposed DEIS for the Frontier Stone Quarry, and to highlight the environmental and economic benefits of the Iroquois National Wildlife Refuge and associated Wildlife Management Areas. We firmly believe that based on the significance of this area, the no action alternative should be advanced and the plans for this quarry be abandoned. We stand ready to provide additional information in support of the positions that we have outlined in this letter. Please do not hesitate to contact me (smith@buffaloaudubon.org; (585) 457-3228) if you have any questions about this letter or our position.

Thank you for consideration of these comments.

Sincerely,



Loren H. Smith, Executive Director

Buffalo Audubon Society Board of Directors:

David Gordon, President

Janet Benjamins, Vice President

Marcia Nixon, Recording Secretary

Stuart Hempel, Treasurer

Bethany Crahen

Melissa Fratello

Richard Kingston

Katherine Gorman

Michael Petrinec

Dorothy Rapp

Joseph Saeli

Natasha Soto

Sarah Stanbury

Brenda Young

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PDS 1/5

frontierstone - Frontier Stone LLC - Comments

From: "Dave Hamling" <dave@nymaterials.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 6/4/2014 2:53 PM
Subject: Frontier Stone LLC - Comments
Attachments: 06-04-14 Frontier Stone Comment Letter.pdf

Attached are the written comments of the New York Construction Materials Association, Inc. (NYMaterials) with respect to the Draft Environmental Impact Statement relative to the Mined Land Reclamation permit application (DEC # 8-3436-00ttt036/00001) of Frontier Stone, LLC.

We respectfully request these comments be incorporated into the formal record of the proceedings

Sincerely,
David Hamling, President & CEO

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pg 2/5



NEW YORK CONSTRUCTION MATERIALS ASSOCIATION
11 Century Hill Drive
Latham, NY 12110-2151

Phone: 518.783.0909
Fax: 518.783.0969

June 4, 2014

Via Email (frontierstone@gw.dec.state.ny.us)

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

**RE: Frontier Stone, LLC
Proposed Frontier Stone Quarry
MLR # 80823
DEC # 8-3436-00ttt036/00001
Comments on Draft Environmental Impact Statement
and Notice of Complete Application**

Dear Mr. Sheeley:

The New York Construction Materials Association, Inc. ("NYMaterials") submits the following comments in support of Frontier Stone, LLC's ("Frontier Stone") application for a mined land reclamation permit to operate a new, approximately 215.5 acre dolomite/limestone quarry in the Town of Shelby, Orleans County. Please accept these written comments in addition to those offered by NYMaterials' at the April 30, 2014 legislative public hearing on Frontier Stone's mining permit application and Draft Environmental Impact Statement ("DEIS").

NYMaterials is a statewide, not-for-profit, trade association representing the business and regulatory interests of companies involved in the production of construction aggregates, ready-mixed concrete and hot-mix asphalt. According to "The Economic Impact of the New York State Mining and Construction Industry," the mining, concrete and asphalt industries contribute approximately \$5 billion to New York's economy, generate wages of approximately \$1.3 billion, pay at least \$101 million in taxes and employ approximately 30,000 people. This June 2009 report, prepared by the Center of Governmental Research for the New York State Geologic Survey, was submitted by NYMaterials as part of the record during the public hearing held before ALJ Molly McBride on April 30, 2014.

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As the Statewide representative of approximately 80% of the State's mining industry, NYMaterials is uniquely situated to provide relevant background on the mining industry in New York State, the uses and need for quality construction aggregate and why the Frontier Stone site, in particular, has all the critical attributes necessary to establish a commercial mining industry.

By way of background, the mining industry in New York is responsible for producing the vital building materials that are used in literally every construction project in New York. These materials are the products of the State's mineral deposits – primarily stone, sand and gravel – and are, quite literally, the building blocks of the State's infrastructure. The State's roads and bridges, as well as public and private office buildings, industrial facilities, retail stores, airports, railways, dams, churches, schools and homes are all dependent upon the construction aggregates that are produced from the State's mining facilities. About 400 tons of mineral products are used in the construction of the average home. Every mile of interstate highway contains in excess of 38,000 tons of construction aggregate. Stone products are used in steel and glass production, water and air pollution control devices, fertilizer and many other products. On average, each individual consumes about 50 pounds of mineral products each day. In short, the State's mineral reserves are a critical natural resource.

Unfortunately, deposits of stone, sand and gravel and other minerals that are suitable for mining are increasingly scarce. Quarry operations are a consumptive use of a non-renewable resource. When the material is removed from the quarry, it is gone; it does not grow back and cannot be replanted. That is why it is important that sites, such as the Frontier Stone site, which have all of the attributes necessary to develop a successful mining operation be developed and permitted for such activity. There are five critical attributes that make a site ideal for establishing a commercial mining operation. As discussed more fully below, the Frontier Stone site has all the necessary attributes and is an ideal location for a commercial mining operation.

1. The Resource is Present at the Frontier Stone Site

The mining industry is unique in that unlike many other businesses, they can be only located where nature has deposited the material and where geologic conditions are favorable. The Frontier Stone site has the resource. The site is underlain by the Lockport formation, a Silurian age dolomite. This rock is capable of producing high-quality New York State Department of Transportation ("DOT") approved crushed stone aggregate and agricultural lime.

2. The Quality of the Material at the Frontier Stone Site is Ideal for Mining

Even if a given site has mineral deposits present, not all stone is suitable for use in construction of roads or for other uses. For road building especially, the DOT specifications regarding hardness and abrasive qualities are not easily satisfied. The Frontier Stone site has a very high quality stone that more than satisfies the stringent DOT requirements for road building. The high quality stone present at the site will also be in demand for numerous other uses as well, such as agricultural lime.

3. The Quantity of the Material at the Frontier Stone Site Justifies the Investment

To be suitable for mining, there must be a sufficient quantity of the mineral to justify the investment in the land, excavation and processing equipment and permitting costs. The Frontier Stone site has sufficient quantity of the material to warrant the substantial investment that the company has made to develop the site into a commercial mining operation.

4. The Mineral Deposit at the Frontier Stone Quarry is Mineable

The mineral deposit must also be mineable. That is, it must be accessible to mining equipment and not already developed for other purposes. This is an important point. A growing problem is that a significant amount of mineral reserves cannot be developed because the sites have been devoted to other residential or commercial uses and cannot be accessed.

Here, the current and prior uses of the Frontier Site have preserved the ability to access the resource. In addition, ideally, mineral reserves at a site will be located under a minimal amount of overburden. The Frontier Stone site's overburden varies from 18 to 38 feet in depth, based on test holes developed by the company. Other sites in the area have substantially more overburden than the Frontier Stone site, making it more difficult and expensive to access the underlying mineral reserves.

5. The Frontier Stone Site has Ready Access to Local Markets

The mineral deposits must also have access to the market. As a rule of thumb, the cost of construction aggregate doubles with every 20 miles of transport, so the deposit should not be too remote from the construction projects it will serve and should have access to a roadway network that will allow ready transport. The Frontier Stone site has ready access to a roadway network to be able to provide construction aggregate to the surrounding market. A local source of high-quality construction aggregate will be beneficial to the area. The operation of the Frontier Stone Quarry will reduce construction costs by providing a local aggregate source and agricultural lime to assist with corn crops, much of which will be used by the local corn-to-ethanol plant.

NYMaterials is aware that other commentators on the Frontier Stone project have remarked that since there are other active quarries within the region, that the Frontier Stone site may not be needed. This commentary ignores the realities of the mining industry. First, as I have discussed previously mineral reserves are a non-renewable resource. That means that even if there are other quarries in the region, those quarry reserves are continually being depleted. In fact, as set forth in "The Economic Impact of the New York State Mining and Construction Industry" existing mining reserves are being depleted at a faster rate than new reserves are being brought into production. This makes it important that other resources, such as the Frontier Stone site be protected and developed. Second, the quarries that are located in the vicinity of the Frontier Stone site do not produce an equivalent quality product. It is my understanding that of the quarries in the vicinity, one is not producing any material, and two do not produce DOT-specification stone. In short, while there may be other existing mining operations, they are

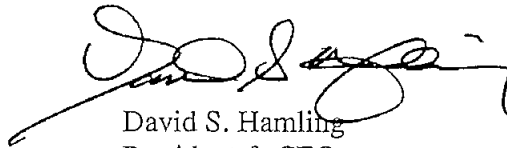
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continually being depleted and many do not even possess the necessary quality of material that exists at the Frontier Stone site.

If additional mining operations, such as the Frontier Stone site are not opened in the area, then construction costs will increase substantially, in large part because of the increase in transportation costs. Transportation costs comprise a relatively large share of the cost of the delivered material. The continued depletion of reserves at quarries in the vicinity will have the effect of increasing the final delivered cost of the material because the material will necessarily be transported a greater distance. In order to maintain an affordable local source of construction aggregate to keep construction costs down, local sources, such as the Frontier Site, must be protected and permitted for mining.

Based on the foregoing, NYMaterials urges the DEC to issue a mined land reclamation permit for the Frontier Stone site. NYMaterials respectfully requests that this comment letter, in addition to those comments offered during the legislative hearing, be included in the record of proceedings for Frontier Stone's application.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Hamling", written over a horizontal line.

David S. Hamling
President & CEO

cc:
Frontier Stone, LLC

B131
pg 1/4**frontierstone - Proposed Stone Quarry in the Town of Shelby**

From: "Willie D'Anna and Betsy Potter" <dannapotter@roadrunner.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 6/5/2014 3:28 PM
Subject: Proposed Stone Quarry in the Town of Shelby
Attachments: stone quarry letter.docx

Attached, please find a letter in regards to the proposed stone quarry in the Town of Shelby, N.Y. I have also copy and pasted the letter into the email below.

Thank-you,
William D'Anna
dannapotter@roadrunner.com

4777 East Lake Road
Burt, New York 14028
June 3, 2014

Scott E. Sheeley
Regional Permit Administrator
New York State Dept. of Environmental Conservation, Region 8
6274 Avon-Lima Road, Avon, New York

Dear Mr. Sheeley,

I am writing in regards to the proposed stone quarry by Frontier Stone in the Town of Shelby, Orleans County, that will be located very near the boundary of the Iroquois National Wildlife Refuge. I am strongly opposed to the location of the proposed mine for reasons as outlined below.

First, I would like to provide you with a little bit of my background. I was a Civil Engineer for the State of New York Department of Transportation for 28 years and I designed and inspected bridges. I am recently retired. I have been an avid birder for over 30 years. I am currently a Statistician for the Buffalo Ornithological Society and a member of the New York State Avian Records Committee. I lead bird-watching field trips all over Western New York and have led many to Iroquois National Wildlife Refuge. The trips that I have led to the refuge have been attended by many hundreds of people over the years. Not only do I understand the importance of the Iroquois National Wildlife Refuge to birds but I have also learned how important it is to other wildlife, such as turtles, fish, frogs, mammals, butterflies, and dragonflies. From leading these field trips it has also become clear to me that most of the participants also have an intuitive understanding of the refuge's importance to wildlife.

As indicated in the DEIS, the amount of truck traffic on Oak Orchard Ridge Road, which has virtually no such traffic currently, would increase dramatically as a result of the quarry. This road is within the National Wildlife Refuge. This will affect the safety of visitors and the noise will affect the aesthetic quality of their experience at the refuge. Obviously, the former is of paramount importance to everyone and the latter is of great importance to anyone who appreciates the solitude of nature. Although a State highway, the increased truck traffic on Route 63, which also runs through the refuge, will also be considerable. Wildlife enthusiasts are not confined to the quieter roads, such as Oak Orchard Ridge, and many bird-watchers like to study the tremendous numbers of waterfowl that gather at Forrestall Flats, along the east side of Route 63, in addition to watching the heron rookery a little further south. The increased truck traffic greatly increases the danger for wildlife enthusiasts. In addition there will be an increase in wildlife fatalities due to collisions with trucks.

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One of the greatest concerns about the proposed quarry is the effect that it will have on the water table. The refuge is home to thousands of marsh nesting birds and other wildlife, which require marshland habitat for their survival. Water levels are of critical importance to these birds and other wildlife. Many of these creatures have a very specific water level requirement. A slight change in the water level can have a very deleterious effect on the nesting success of birds and the reproductive success of other wildlife. Wetlands have decreased tremendously in this country and in this State, making the few that remain of even greater importance. Allowing the quarry operation to draw hundreds of thousands of gallons of water per day from Oak Orchard Creek and to pump the used water back into a ditch to flow back into the refuge will likely have a devastating effect on the water table and, in turn, the wildlife of the refuge.

In addition to the water levels, the used water from the quarry is likely to greatly and adversely affect the water quality at the refuge. Even with standardized cleaning processes in place, there will be subtle changes that will have unknowable consequences. And, of course, there is also the virtual certainty of an occasional accident, allowing highly polluted water to suddenly flow into the refuge. With so much wildlife dependent on the refuge habitat, a habitat which I repeat is in short supply, such an occurrence could have grave consequences for the refuge inhabitants.

Finally, there is the matter of the supposed economic benefit of the quarry. There can be little doubt that the economic benefits of the wildlife refuge are much greater than that of the proposed quarry. Any economic benefits of the quarry itself would be greatly offset by the detrimental effects to the refuge. As the special wildlife that uses the refuge decline due to the impacts of the quarry, there will be a corresponding drop in visitors and a decrease in the amount of money spent in the local economy by these visitors. And of course, one cannot put a realistic value on wildlife. Losing just one species at the refuge is a loss much greater than any monetary value one could come up with.

Sincerely,
William C. D'Anna

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P0314

4777 East Lake Road
Burt, New York 14028
June 3, 2014

Scott E. Sheeley
Regional Permit Administrator
New York State Dept. of Environmental Conservation, Region 8
6274 Avon-Lima Road, Avon, New York

Dear Mr. Sheeley,

I am writing in regards to the proposed stone quarry by Frontier Stone in the Town of Shelby, Orleans County, that will be located very near the boundary of the Iroquois National Wildlife Refuge. I am strongly opposed to the location of the proposed mine for reasons as outlined below.

First, I would like to provide you with a little bit of my background. I was a Civil Engineer for the State of New York Department of Transportation for 28 years and I designed and inspected bridges. I am recently retired. I have been an avid birder for over 30 years. I am currently a Statistician for the Buffalo Ornithological Society and a member of the New York State Avian Records Committee. I lead bird-watching field trips all over Western New York and have led many to Iroquois National Wildlife Refuge. The trips that I have led to the refuge have been attended by many hundreds of people over the years. Not only do I understand the importance of the Iroquois National Wildlife Refuge to birds but I have also learned how important it is to other wildlife, such as turtles, fish, frogs, mammals, butterflies, and dragonflies. From leading these field trips it has also become clear to me that most of the participants also have an intuitive understanding of the refuge's importance to wildlife.

As indicated in the DEIS, the amount of truck traffic on Oak Orchard Ridge Road, which has virtually no such traffic currently, would increase dramatically as a result of the quarry. This road is within the National Wildlife Refuge. This will affect the safety of visitors and the noise will affect the aesthetic quality of their experience at the refuge. Obviously, the former is of paramount importance to everyone and the latter is of great importance to anyone who appreciates the solitude of nature. Although a State highway, the increased truck traffic on Route 63, which also runs through the refuge, will also be considerable. Wildlife enthusiasts are not confined to the quieter roads, such as Oak Orchard Ridge, and many bird-watchers like to study the tremendous numbers of waterfowl that gather at Forrestall Flats, along the east side of Route 63, in addition to watching the heron rookery a little further south. The increased truck traffic greatly increases the danger for wildlife enthusiasts. In addition there will be an increase in wildlife fatalities due to collisions with trucks.

One of the greatest concerns about the proposed quarry is the effect that it will have on the water table. The refuge is home to thousands of marsh nesting birds and other wildlife, which require marshland habitat for their survival. Water levels are of critical importance to these birds and other wildlife. Many of these creatures have a very specific water level requirement. A slight change in the water level can have a very deleterious effect on the nesting success of birds and the reproductive success of other wildlife. Wetlands have decreased tremendously in this country and in this State, making the few that

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pg 4/4

remain of even greater importance. Allowing the quarry operation to draw hundreds of thousands of gallons of water per day from Oak Orchard Creek and to pump the used water back into a ditch to flow back into the refuge will likely have a devastating effect on the water table and, in turn, the wildlife of the refuge.

In addition to the water levels, the used water from the quarry is likely to greatly and adversely affect the water quality at the refuge. Even with standardized cleaning processes in place, there will be subtle changes that will have unknowable consequences. And, of course, there is also the virtual certainty of an occasional accident, allowing highly polluted water to suddenly flow into the refuge. With so much wildlife dependent on the refuge habitat, a habitat which I repeat is in short supply, such an occurrence could have grave consequences for the refuge inhabitants.

Finally, there is the matter of the supposed economic benefit of the quarry. There can be little doubt that the economic benefits of the wildlife refuge are much greater than that of the proposed quarry. Any economic benefits of the quarry itself would be greatly offset by the detrimental effects to the refuge. As the special wildlife that uses the refuge decline due to the impacts of the quarry, there will be a corresponding drop in visitors and a decrease in the amount of money spent in the local economy by these visitors. And of course, one cannot put a realistic value on wildlife. Losing just one species at the refuge is a loss much greater than any monetary value one could come up with.

Sincerely,

William C. D'Anna

B132
pg 1/3

Dear Mr. Sheeley,

Attached please find my letter requesting that you deny Frontier Stone Quarry a permit to open a stone quarry near Iroquois National Wildlife Refuge.

Respectfully,
Patricia Martin

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pg 213

Patricia Martin
27 Bonnie Brae Ave.
Rochester NY 14618
June 7, 2014

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

Dear Mr. Sheeley:

My name is Patricia Martin. I reside at 27 Bonnie Brae Ave., Rochester, NY 14618. I am a member of the Friends of Iroquois NWR. I volunteered at the refuge's Spring Into Nature event this past April and am currently participating in the refuge's waterfowl surveys and Purple Martin monitoring project. I am writing to ask you to deny Frontier Stone Quarry's request for a mining permit. My areas of concern are:

Negative impact of the quarry on water and wildlife in the refuge:

Iroquois NWR is a resting and feeding area for waterfowl and shorebirds in spring and fall and a breeding area for waterfowl and song birds in the summer. It has been designated an Important Bird Area by the National Audubon Society and Oak Orchard Creek is a National Natural Landmark. Currently, water levels within the refuge are manipulated to provide appropriate habitat for the wildlife and plants that are living there. My understanding is that the quarry owners would need to pump water continuously in order to keep the base of the quarry dry enough for mining operations. The water would then be returned to the refuge by way of Schoolhouse Marsh. This would permanently impact the ability of the refuge to periodically draw down the water in that marsh, which they do for the benefit of wildlife. Furthermore, the quality of the water being returned to the marsh is bound to diminish. In the very least it will contain more suspended solids. As the quarry gets deeper into the Lockport Dolomite, there will be an increase in dissolved salts and iron entering the refuge which may be detrimental to wildlife.

Negative impact of the quarry on recreation, tourism, environmental education and quality of life in Orleans and Genesee Counties:

As a resident of Monroe County, I live about an hour's drive from both Montezuma and Iroquois National Wildlife Refuges but choose to visit Iroquois more than Montezuma for the following reasons. Iroquois has more walking trails than Montezuma and more places, especially more places closer to the water, where I can observe birds, especially shorebirds and waterfowl. Swallow Hollow, Onondaga and Kanyo Trails are all favorite places with no real equivalent at Montezuma; Feeder Road also provides walking and birding opportunities. All of these places would be negatively impacted by the noise, dust and truck traffic that a working quarry would bring. While in the Iroquois NWR area I patronize the local restaurants and gas stations. So my tourist dollars would be lost if I no longer wished to come there because of the presence of the quarry. Swallow Hollow Trail in particular is used heavily for environmental education programs which would also be negatively impacted by the noise, dust and truck traffic associated with a working quarry. Finally, the noise, dust and truck traffic would also have a negative impact on the quality of life of those people who have chosen to live in a rural community near a national wildlife refuge.

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pg 3/3

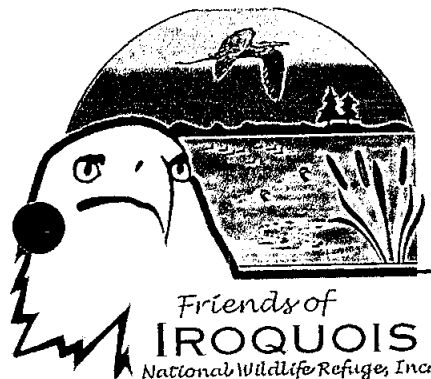
Negative impact of the quarry on town and/or county infrastructure:

The roads surrounding the refuge and on which the quarry would be located are local town and/or county roads. Heavy truck traffic on these roads would have a negative impact on these roads, which would require increased maintenance. I doubt that the town/county budgets would be able to absorb the cost of this increased maintenance and I doubt that Frontier Stone Quarry would be willing to pay for this extra road maintenance.

Permitting Frontier Stone Quarry to operate a mine near Iroquois NWR would clearly be contrary to the mission statement of the DEC "to conserve, improve and protect New York's natural resources and environment." I urge you to deny Frontier Stone Quarry's request for a permit to open a mine on Fletcher Chapel and Sour Springs Roads.

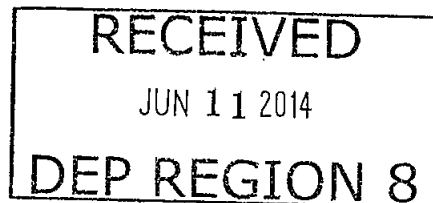
Respectfully,

Patricia Martin



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pg 1/4

Friends of Iroquois National Wildlife Refuge
1101 Casey Road, Basom, NY 14013
Phone: (585) 948-5445 Fax: (585) 948-9538



June 7, 2014

Scott E. Sheeley
Regional Permit Administrator
New York State Department of Environmental Conservation, Region 8
6274 Avon-Lima Road
Avon, New York 14414-9516

Dear Mr. Sheeley;

On April 30, 2014 the New York State Department of Environmental Conservation held a legislative public hearing in the Town of Shelby to take comments on the Draft Environmental Impact Statement (dEIS) for a proposed stone quarry by Frontier Stone, LLC that will be just a couple hundred feet off the boundary of the Iroquois National Wildlife Refuge. I would like to reiterate comments mentioned at the public hearing on April 30 and submit additional ones.

Our mission states that, "Friends of Iroquois National Wildlife Refuge, Inc. is a not-for-profit corporation organized by volunteers dedicated to supporting Iroquois National Wildlife Refuge and educating the public about the plants and animals found in this partially forested wetland environment". Our goals are to increase awareness of the refuge and it's mission, generate and allocate funds to support the refuge, support refuge programs and projects, and advocate for the refuge locally, statewide and nationally. We are a dedicated group.

The Iroquois National Wildlife Refuge is a 10,828-acre refuge located in Orleans and Genesee Counties in western New York State. The Iroquois NWR was established in 1958 under the Migratory Bird Conservation Act as an inviolate sanctuary for migratory birds. Its habitats consist of 4,190 acres of uplands and over 6,600 acres of wetlands. The refuge has recorded more than 300 bird species, 42 mammals, 29 amphibians and reptiles and 504 plants. The refuge is also home to two nesting pairs of bald eagles. Oak Orchard Creek meanders through the refuge and is designated as a National Natural Landmark. In the Town of Shelby, the Iroquois NWR encompasses 5,374 acres, which is about 50% of the refuge's land and about 18% of the Town's land base. Refuge wetland acres comprise about 44% of the wetlands in the Town of Shelby.

Along with providing habitat for wildlife, the refuge also provides wildlife-dependent recreational opportunities like hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. Many of the Iroquois National Wildlife

Working Together for Wildlife and People

Refuge's recreational opportunities are dependent upon wetlands. Examples of these wetland-dependent activities include birding for waterfowl, shorebirds, marsh and wading birds, hunting for waterfowl, fishing, and providing educational programs that focus on aquatic species or wetland management techniques.

The popularity of the refuge's wildlife recreational opportunities is important to the local community as well as folks who travel to the area to visit the refuge. Visitation is between 35,000 and 50,000 people each year. At a public meeting in December 2007, here in Shelby, it was mentioned that the U.S. Fish and Wildlife Service released a report on the economic benefits to local communities near National Wildlife Refuges. That report indicated that 87% of refuge visitors were non-resident; that is living greater than 30 miles away from the refuge. This report also showed that refuges return approximately \$4.00 in economic activity on average for every dollar the government spends. An updated report of economic benefits to local communities near National Wildlife Refuges released by U.S. Secretary of the Interior in November 2013, showed that refuges contribute an average of \$4.87 in total economic output for every \$1 appropriated, a significant difference from the \$1.58 return for every dollar spent by aggregate industry indicated in the dEIS (Volume 1, page 17). Additionally, The Friends of Iroquois National Wildlife Refuge annually contributes over \$20,000 to support activities at the Iroquois NWR, which includes maintaining trails, signs and informational structures, providing for youth hunt activities, and conducting interpretive and educational programs. This does not include the countless hours volunteers contribute to these programs.

Please let me draw attention to the following statement "Almost the entire southern sector of the Town (*reference to Shelby*) contains the Iroquois National Wildlife Refuge, a significant natural resource, containing wetlands, and wildlife habitat. The Refuge provides the region with education and recreational opportunities, as well, including hiking and wildlife observation" Ironically enough that statement was taken from Volume 1 page 84 of dEIS and serves as justification as to why the location of the quarry meets the Town of Shelby's number 3 requirement for most favorable locations for mining "Cultural, Community, and Natural Resources are minimally or not at all impacted" We are not sure how the presence of a National Wildlife Refuge, whose primary purpose is for wildlife and habitat, reduces the environmental impact of the area. We believe that it would increase the natural resource impact.

The applicant states that "If the project site was not farmed, the only alternative would be residential development, ..." In fact this parcel could be purchased and restored to native habitats, similar to areas on the Iroquois National Wildlife Refuge. This would make it much more attractive as permanent open-space than a 150+ foot deep lake with minimal uplands. Additionally, the applicant goes on to state that the "Establishment of mining operations at the proposed site avoids the cultural resources and population centers located in the northern areas of Town. It entirely avoids the Iroquois National Wildlife Refuge, as a significant natural resource in the south." We disagree that it "entirely avoids" the Iroquois National Wildlife Refuge since the proposal is instructing that truck traffic go through the refuge. Also, the impact differences between Plate 2 – Existing Wildlife Refuge Noise Impacts and Plate 3 – Proposed Quarry Impacts shows a significant increase in decibel noise level along

Sour Springs and Oak Orchard Ridge Road, which does not currently exist. Plate 3 also shows areas where mining and blasting noise reach into the Iroquois National Wildlife Refuge, as well as a vibration limit from blasting. This shows that the quarry operations do not completely avoid the Iroquois National Wildlife Refuge.

The applicant indicates that there is a potential for up to 240 vehicles or 480 trips per day along Oak Orchard Ridge Road and Sour Springs Road, where currently there are very few trips. The increase in noise is very evident from dEIS Volume 1 Plate 2 to Plate 3. There is an increase in noise levels not only on the roads themselves, but as shown the noise levels are reaching further into the Iroquois National Wildlife Refuge. There are several recreational areas that are now being affected by a higher decibel level. These areas include two overlooks and a handicapped accessible hunting area. From the current noise level to the projected site there is a 5+ dBA increase in these areas. Legend on Plate 3 only indicates greater-than 60 dBA, so it is uncertain what the actual levels could be. If they are closer to 70 dBA, then you have an increase of 5 – 15 dBA. New York State DEC Guidance Program Policy, Assessing and Mitigating Noise Impacts indicates that "sound pressure increases of more than 6 db may require a closer analysis of impact potential" as well as "an increase of 10 dB(A) deserves consideration for avoidance and mitigation measures in most cases," page 172-173 of dEIS Volume 1. The applicant indicates that "With the exception of an increase in truck traffic on Oak Orchard Ridge Road, the potential for disturbance to bird watchers is minimal," they further indicate that "There is potential for annoyance to wildlife watchers at the Schoolhouse Marsh overlook", but then indicate "Potential impacts to recreational resources of the adjacent Refuge were assessed and no impacts to recreational resources have been identified. No mitigation is proposed." It appears the increased truck traffic falls into categories where additional information is needed and/or mitigation should be conducted. Neither of which is identified in the document.

Storm water Pollution Prevention Plans are set in place to ensure that pollution from commercial or other activities hopefully do not make it into the drainage systems and waterways during major runoff events. The fact that this commercial activity will always be pumping over 500,000 gallons per day of water into a drainage system that will reach State Regulated wetlands and the Oak Orchard Creek, should require them to have a stringent monitoring system in place to ensure that pollutants changes are detected at an early stage or are maintained below the NYS Standards. Table on page 115 in Volume 1 of dEIS shows that total dissolved solids (TDS) in several wells are above the NYS standard. This table shows that the pH in one well is above NYS pH standard and several on the higher side of the standard. The fact that only one water quality test was completed per well does not show variability with any seasonal changes. Water quality can decrease the deeper the mining gets, this will be especially important during summer months when these pollution elements may be more concentrated in the discharge since there will be less water flow. The applicant should be required to be under a very stringent and frequent monitoring plan for the life of the project to ensure discharged water is at or below the NYS DEC standards.

Finally, the Iroquois Job Corps Center is located approximately 3,000 feet south of the proposed quarry. The Iroquois Job Corps Center provides instruction on several trades and locally houses up to 255 students. In the past the Friends for Iroquois National Wildlife

Refuge have partnered with the Iroquois Job Corp Center disciplines to help improve facilities and programs on the Iroquois National Wildlife Refuge. Plate 4 – Regional Bedrock Piezometric Surface (Future Condition) of the Hydrogeologic Investigations shows a 7000 foot area of influence, but dEIS does not address any impacts for water to the Job Corps Center, or mitigation probabilities if something were to happen. It only addresses private wells and the fact that that landowner can be hooked up to municipal a water line, there is no waterline in the vicinity of the Job Corps to be easily hooked up to. Additionally, the dEIS does not address any other potential impacts to the Job Corps Center including noise, vibration, dust, etc. this should be included in the documents.

The location of the proposed quarry next to a National Wildlife Refuge should proceed with caution. The Iroquois National Wildlife Refuge was established to protect, restore and manage our natural resources for the current and future benefit of the American people. We need to ensure that these areas are not continuously impacted to a point that they no longer serve their purpose to the wildlife as well as the American people.

Sincerely,



Sandra Mendel, President
Friends of Iroquois National Wildlife Refuge

“How we treat our land, how we build upon it, how we act toward our air and water,
will in the long run tell what kind of people we really are.”

Laurance S. Rockefeller

I am writing this letter to
state that I am in favor of
the N.Y.S. DEC, approving the
Mining Permit for Frontier Stone LLC.

If all the studies and research is
stating that there will be minimal
effect on the environment and wild life
than it should be o.k. The Farmers
need lime for crops, Need stone for roads.

James J. Zelazny

James J. Zelazny



My name is Wendi Pencille and I live at 11207 Ryan Road in the Town of Shelby with my husband and two children. I also represent the Citizens for Shelby Preservation.

At the outset of this quarry application process in 2006, one of my neighbors said that we should let the science and the data determine if this quarry was a good idea or not, and I agreed. The science has now been presented in the DEIS. Unfortunately, it is the science according to Continental Placer and Frontier Stone and the science is flawed.

Facts have been misrepresented. Facts have been omitted and facts have been ignored. Without good data, good decisions cannot be made. Frontier lied about the economic benefits of their quarry. They ignored the financial impact to the town regarding the construction cost to rebuild the roads to accommodate their trucks.

They withheld, for 8 years, the number of trucks that would pass through the neighborhood and the true amount of water that would be drained into the farm ditch in the spring. They ignored the effects of the massive amounts of contaminated water that they would be dumping into the refuge and into the Oak Orchard River. They failed to address the treatment of that water except for particulate contamination. They cherry picked information about the cone of depression and the zone of influence, about the surplus of Ag Lime and the availability of local stone. They lied about the wildlife.

But the DEC requires legally defensible arguments to deny a permit of this type. So here they are:

1. Frontier has failed to show a need for more mining in the area.

They stated there is a need for stone, but in doing so, they ignored the current amounts of stone at the other local quarries and the lifespan of those quarries. See accompanying Fact Sheet

2. Frontier has failed to identify viable alternative locations for this quarry

Frontier only examined locations north and south of the proposed site. They never examined locations to the east and west. The Lockport formation spans an area from Michigan to Rome NY. Along that route are several state roads with access to the NYS Thruway. Most of them are not adjacent to an environmentally sensitive National Wildlife Refuge.

3. Frontier has not sufficiently addressed the endangered species that will be impacted by this quarry.

Frontier, has deliberately lied MULTIPLE TIMES in the DEIS in their evaluation of the Short Eared Owl with respect to mines and quarries. They cited (Holt and Leisure 2006) several times stating that "Short Eared Owls frequent mines and quarries." They failed to explain that the original reference is from a study done in 1975 on owls in quarries that were out of operation, quarries that were closed. It is this kind of fact manipulation that demonstrates that the DEC is not exercising due diligence in examining the validity of the science as presented by Frontier Stone. This reference has been used in several quarry

applications to the NYSDEC over the past decade. All of them have been accepted without acknowledging that this reference actually supports the opposite position with respect to Short Eared Owls and quarries. So I ask you, has the DEC been doing their job reviewing these applications over the years? Someone needs to be held accountable for this egregious lack of attention to their job.

4. Frontier has fabricated the amount of water they will be discharging daily in the spring into the drainage ditch and subsequent surrounding area.

Frontier's calculations of a maximum 500 gallons per minute is blatantly inaccurate. Two local quarries are discharging 1200 GPM from their quarries. Those quarries are less than half the depth that Frontier plans at full build-out. Therefore the actual amount of water Frontier will discharge is much closer to at least twice what the other quarries are pumping 2400 GPM. That equates to approximately 3.5 million gallons per day.

5. Frontier ignored the environment with respect to flooding the Wildlife Refuge and the Oak Orchard River with contaminated water.

Frontier ignored the fact that the water from the quarry would be "black water," extremely high in salt, minerals, iron, and sulphur, stating only that sulphur would dissipate. The very narrow farm ditch will not be able to contain that large quantity of contaminated water every spring. It will overflow into the refuge and the river. The effects of this massive amount of contaminated discharge water on species of plants and animals, including the Salmon in the adjacent Oak Orchard River, have not been evaluated.

6. Frontier's DEIS should be Null and Void as it has been produced by John Hellert of Continental Placer, who has both financial and familial connections to Frontier Stone.

His contributions constitute an extreme conflict of interest and he has demonstrated that he is incapable of being objective in his research and in presenting his findings.

I ask that the DEC Commissioner act in accordance with Environmental Conservation law Section 3-0301 and deny this mining permit on the grounds that it fails to assure the protection, enhancement, provision, allocation, and balanced utilization of this land consistent with the environmental policy of the state. And further that this quarry proposal fails to take into account the cumulative impact upon all of such resources.

I ask that the DEC Commissioner deny this permit on the grounds that it fails to provide for the propagation, protection, and management of fish and other aquatic life and wildlife and fails to preserve the endangered and protected species of the state of New York.

I ask that the DEC Commissioner deny this mining permit on the grounds that it does not prevent and abate all water, land, and air pollution including but not limited to , that related to hazardous substances, particulates, gasses, dust, vapors, noise, radiation, odor, nutrients and heated liquids.

I ask that the DEC Commissioner deny this permit because it is the right thing to do. There are other locations for mining limestone in NYS that do not pose a threat to the environment, to sensitive wildlife species and to communities. This project is also a very real threat to the proposed the STAMP project. (Science Technology and Advanced Manufacturing Park) The State of New York just committed 33million dollars to the STAMP project. The land that was chosen for the STAMP project was chosen because of its high water table. This high water table will allow the building to sit on land essentially free of vibration. That feature is what makes the land so desirable for such a project due to the very delicate nature of the equipment that will be utilized there. Groundwater alterations and blasting inherent in the quarry will threaten the very nature of the land that is so desirable for the STAMP project location. Once the damage is done there will be no going back. We will lose the STAMP project.

I realize that the NYSDEC has never turned down a mining permit, however the facts in this case, the potential for environmental damage, and the lack of objective data from Frontier Stone, require that you exercise your responsibility and deny this permit.

Respectfully submitted,



Wendi V. Pencille
11207 Ryan Road
Medina, NY 14103

| Item | THE ISSUE | WHAT'S BEEN PRESENTED BY FRONTIER | THE TRUTH | SOURCES | Further Reading |
|------|--|--|---|---|---|
| 1 | <u>TAXES</u> | An abbreviated list of benefits gained from the addition of a new stone quarry Include: new jobs, increased tax revenue, sales tax revenue for the town of Shelby, a healthy competition in the industry and much more. Increased tax revenue. | Quarry's original application stated 3-4 jobs, now it states 15 but it does not say what those additional 11 jobs are. Net annual gain in property taxes - ~14-15K | Tax assessor town of shelby Local property taxes (2013) o Shelby Crushed Stone- approx.: \$15,476 for 208 acres o County Line Stone - approx.: \$22,000 for 380 acres | |
| 2 | <u>SALES TAX</u> | Frontier made the statement that there would be large sales tax contributions to the town because of the quarry selling stone for big county and state projects. | Government projects are tax exempt and the town gets a very small percentage of sales taxes collected here. | EDA Sales tax revenue for the town of Shelby would likely decrease as a result of increased competition in the market driving down material pricing. | <i>Economic Development Administration --</i> (http://www.eda.gov/) |
| 3 | <u>JOBS</u> | A slide from the presentation by Frontier noted a brief history of quarrying in Orleans County... 48 quarries, 1600-2000 employeeed annual payroll of \$750,000. The dates - <u>between 1895 and 1905</u> Frontier's original mining permit application included 3-4 jobs. The new mining permit application included in the DEIS includes 15 jobs. However thhis new mining permit application is unsigned and undated. | Frontier Stone's 2006 quarry permit application to the DEC: The quarry proposed will employ 3-4 people total. Typical quarries in the area employ 6 full time employees. | * This quarry proposes to have 15 employees, here is the breakdown of similar sized facilities;o Shelby Crushed Stone (quarry only); 6 full time, 4-6 seasonal o Barre Stone: 6 full time, 3 seasonal | |
| 4 | <u>CONE OF DEPRESSION/</u> <u>ZONE OF INFLUENCE</u> | Frontier Stone presentation shows a typical quarry dewatering cone of depression with an area of influence up to 200' beyond the face of the quarry. | Depends on local conditions and quarrying practices, cones of depression can be almost as small as the quarry itself, or can be as large as 25 km2. | Potential Environmental Impacts of Quarrying Stone in Karst—A Literature Review | <i>A cone of depression occurs in an aquifer when groundwater is pumped from a well. In an unconfined aquifer (water table), this is an actual depression of the water levels.</i> (http://en.wikipedia.org/wiki/Cone_of_depression) |
| 5 | <u>Need for stone</u> | Frontier made the statement at the presentation at the town hall that if we didn't add another quarry that we could be travelling to PA for stone in the future. * (see distances below) | No other town in the state of NY has more then 2 quarries within its borders. We have 2 now that both produce DOT rated stone - In reference to section titled 'Local Need' (Page 26) All operating quarries that are active mine sites producing material during the 2013 production season are NYSDOT approved (draft article Incorrectly states that several are not approved) | Existing Quarries Life of Mine: Shelby Crushed Stone: 50-80 years Barre Stone: 75-80 year Buffalo Crushed Stone Ledge Road: 15 - 50 years Lafarge Lockport: 5 - 50 years (pending zoning approval) | |
| | | * Proximity to existing quarries: | | Google Maps | |
| | | Lafarge Lockport 17 miles 25 miles | | | |

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| | | Shelby Crushed Stone 3.3 miles 4.9 miles | | | |
| | | Barre Stone 8.5 miles 11.1 miles | | | |
| | | County Line Stone 13.5 miles 16.8 miles | | | |
| | | Buffalo Crushed Ledge Road 7.7 miles 9.8 miles | | | |
| | | Clarendon (Dolomite Group) 15 miles 20 miles | | | |
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| 16 | <u>STONE AVAILABILITY</u> | They state that the effective market area is 35 miles radius; therefore, mines must be located within 35 miles or so to cover all areas. | The problem with this statement is that there is an established quarry 5.2 miles away according to Google Maps. Why is there a need for another quarry that close by? | | |
| | | There are zero towns in western and central New York that have two active stone quarries. This includes Syracuse, Rochester, Buffalo and their surrounding areas, Orleans County currently enjoys the lowest stone prices throughout western and central New York. This includes towns, counties and state bid results as well as local residential customers. This is due to market and development conditions. Net employment gain will likely be zero as any gains at Frontier will be lost at others suppliers due to market factors. | | | |
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| 6 | <u>Need for Ag lime</u> | Frontier presentation to the Town of Shelby noted the need for Ag Lime for farming and that it would be provided by this quarry | Calls to the locals quarries have a surplus of high quality of Ag Lime. | | |
| 7 | <u>Short-eared owl (SEO)</u> | Initially Frontier stated in their DEIS that there were no endangered species on or around the site. They based this on two visits (4 days total one summer one winter) by TES Terrestrial Environmental Specialists. Frontier Stone slide on Short-eared owl "Wildlife is an asset to man, and an essential part of the ecosystem. We do NOT apply chemicals or pesticides!" | 1. Short-eared owl is present in the area where the stone quarry will be located. Just .6 miles East of the site off Posson Road is the most visited site for Short-eared owl observation in NYS.. 2. The owl is on the endangered species list in New York State. 3. The owl spends much of its time on the ground. 4. Blasting in mines produces ground vibrations that can be felt for long distances from the mine. | 1. article medina paper, genesee birders list 2. NYSDEC listing 3. Audubon, get site 4. article from Mazlarz visit to site in NF, conversations with Flick's who live near Lockport Frontier mine site, broken windows, broken water lines, city of lockport etc. | 1. Short-Eared Owl numbers are increasing -Journal Register February 21, 2013: (http://www.journal-register.com/localsports/x1525016160/Short-Eared-Owl-numbers-are-increasing) 2. Short-eared Owl Fact Sheet (http://www.dec.ny.gov/animals/7080.html) 3. Short-eared Owl (http://birds.audubon.org/species/s_hoowl) |

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| | | Frontier Stone's DEIS includes a citation (Holt and Leisure 2009) and (Holt and Leisure 2006) that "Short-eared owls frequent mines and quarries" They use this citation to address their potential effects on the SEOs that winter over, less than a mile away from this quarry site. | The actual owl study was done by Clark in 1975 in quarries that had been closed for years and were no longer in operation. | This citation has been used in countless quarry permit applications accepted by the DEC and other mining permitting bodies as fact supporting the quarry. | The DEC has never questioned <u>this reference or verified it's veracity.</u> These types of omissions in the fact finding process have made it extremely difficult to trust that the DEC Permits Administrator has been exercising his due diligence. It brings into question all of the other statements made in the DEIS. |
| 8 | <u>Dewatering</u> | Frontier Stone stated that there would be no negative effects from the water that would be brought from the quarry to the surface. Said Sulphur would dissipate, never addressed the iron or salt brine to be dumped into the Oak Orchard River. Never addressed the effects of any contamination from high salt and iron content to the river or the refuge. | Water produced from the test wells at the proposed quarry site contained salt brine, dissolved natural gas, high concentrations of iron and hydrogen sulfide. Water from the proposed quarry with the salt brine, natural gas and hydrogen sulfide will be pumped into a drainage ditch that feeds into Oak Orchard Creek and School House Marsh. | John Hellert questioned at the presentation to the watershed committee. USFWS questioned the water quality several times in response to the DEIS. DEIS does not address salt or iron at all, minimizes any effects from sulphur. | <i>Dewatering is the removal of water from solid material or soil by wet classification, centrifugation, filtration, or similar solid-liquid separation processes...Construction dewatering, unwatering, or water control are common terms used to describe removal or draining groundwater or surface water from a riverbed, construction site, caisson, or mine shaft, by pumping or evaporation.</i> (http://en.wikipedia.org/wiki/Dewatering) |
| 9 | <u>SPDES permit</u> | Frontier will require SPDES Permit from the DEC to dump water from the quarry. | SPDES permit does not regulate for salt brine, iron, natural gas or hydrogen sulfide. | SPDES permit | State Pollutant Discharge Elimination System (SPDES). (http://www.dec.ny.gov/permits/6054.html) |
| | | | Dewatering of local quarries is done to keep the bottom of the mine dry for production. Water at other local quarries is pumped out at between 500-2000 gallons per minute during heaviest times. AND those quarries are half as deep as Frontier plans to dig. | | |

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| 10 | <u>FLOODING THE REFUGE</u> | Not addressed at all by Frontier Stone | Pumping large qyis of contaminated water into the small drainage ditch will over flow into Oak Orchard River and the refuge marsh system. No examination of the effects of this high Iron, highly mineralized, high sulfide water has been done at all. No consideration for treatment of the water prior to dumping at the surface has been discussed. | Actual pumping should be closer to 2000-2400 GPM as this quarry will be almost 3X as deep as the other local quarries that are pumping at 1200 GPM every spring. (running 2 X 600 gpm pumps at the same time) | |
| 11 | <u>Karst activity - The presence of open fractures or caverns in the rock that allow water to travel from the surrounding area into the quarry</u> | Frontier has maintained all along that the area is not Karst prone and for that reason "We're pretty darned sure we're not going to drain the swamp" --Dave Mahar - presentation to the Town of Shelby. | There are examples of Karst activity in the area. Examples - Wayne's example with the Forrester Farm's well, caverns in local wells, swallets on Ryan Road, Printup's well, Cree well etc. | | <i>The development of karst occurs whenever acidic water starts to break down the surface of bedrock near its cracks, or bedding planes. As the bedrock (like limestone or dolostone) continues to break down, its cracks tend to get bigger. As time goes on, these fractures will become wider, and eventually, a drainage system of some sort may start to form underneath. If this underground drainage system does form, it will speed up the development of karst arrangements there. This increase in rate of karst feature development will be due to the fact that more water will be able to run by the region. (http://en.wikipedia.org/wiki/Karst)</i> |
| 12 | <u>OTHER 12 MINES IN LOCKPORT FORMATION</u> | Frontier has stated that the proposed quarry will act like the other 12 quarrys in the Lockport formation and thus there is little chance that local wells and the refuge swamps will go dry. | The other 12 quarrys are located closer to the escarpment and therefore the Frontier statement is not necessarily true. Ed Bugliosi USGS | Ed Bugliosi USGS | |

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| | | ON ESCARPMENT | The mine in the town of Clarendon is a Lockport formation quarry. Dewatering of that quarry was found to have drained the water flowing to the town's waterfall which is situated about 5000' from the face of the quarry | site case law clarendon vs. Hanson | a. --Clarendon residents express concerns, anger over proposed zoning changes (2004)-- (http://westsidenewsny.com/pastarchives/OldSite/westside/news/2004/0627/features/clarendonresident.html) b.--Hanson concrete plant looks for relief-- Jun, 24 2004 (http://www.aggregateresearch.com/articles/4451/Hanson-concrete-plant-looks-for-relief.aspx) c. DEC RULING ON ISSUES AND PARTY STATUS 5-21-2004 (http://www.dec.ny.gov/docs/legal_protection_pdf/hansonr.pdf) |
| 13 | <u>ALTERNATIVE SITES FOR THE QUARRY - Less environmentally sensitive</u> | Frontier's DEIS only examined sites north and south of the proposed site on Rt 63/77 | The Lockport Formation of limestone runs from Michigan to Rome NY. Frontier never evaluated sites east and west of the proposed site that didn't have any connection with a wildlife refuge or wetlands ecosystem or the STAMP project. | Aggregates. Rt 98, 237, 19, 490, 36, 259, 390, 65, 64, 250, 21, 88, 414, 89, 34, all run directly to the Thruway and could convey stone just as easily as 63/77. | |
| 14 | <u>STAMP PROJECT</u> | The site for the STAMP project was selected because of its high water table which makes the land especially favorable to a non-vibrational environment for the projected manufacturing and research processes | The dewatering of the stone quarry has the potential to lower the surrounding water-table (See cone of depression and zone of influence above) Blasting at the quarry site will be felt for miles. The level of vibration that could make the site of the STAMP project unfavorable is much lower than the threshold that rattles windows several miles away from a quarry site. The approximate distance between the STAMP site and the quarry site is about 5 miles. | | |
| 15 | <u>More Incorrect Information in the DEIS:</u> | On page 16 of the draft document it is stated that haul rates are in the range of \$0.25 to \$2.00 per ton. Below are listed average haul rates for existing quarries: | o Shelby Crushed Stone: \$0.11 to \$0.16 per ton per mile o Barre Stone: \$0.11 to \$0.16 per ton per mile o County Line Stone \$0.11 to \$0.20 per ton per mile | | |

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| 17 | <u>Facts vs. misrepresented</u> | We have concentrated on issues related to the facts as | Maybe the more important issue here is the that | Examples: SEO citation, attempting to discredit USGS study when USGS is the world renowned, objective expert in geological and hydrogeological science. Failure to provide full build out information, failure to provide full dewatering information, failure to provide full truck traffic information until 8 years into the DEIS process. Ignoring the facts regarding Horned Lark and Marsh Hawk. | |
| | <u>facts:</u> | presented in the DEIS. | Frontier and Continental Placer have been unable to be factual in their DEIS and for that reason alone they should not be granted a permit. | | |
| 38 | <u>Truck Routes impacts</u> | | The route that the trucks will take to access Rt 63 goes right through a portion of the INWR. No mention is made of the impacts of truck traffic to the recreational use of these roads by visitors to the INWR (including birders, hunters, students from the Job Corps, etc.) Dust, noise, and safety issues related to this heavy truck traffic will have definite impacts to wildlife use of the habitat immediately adjacent to the roads and to the wildlife crossing the road from one portion of the refuge to another. | | |
| | <u>ignored</u> | | | | |
| | <u>Truck routes</u> | Frontier makes no mention of the cost to rebuild these roads nor | Improvements needed with detailed plans and permit: The existing pavement on Oak Orchard Rd approaching Rt 63 is in poor condition and the intersection geometry is not adequate to accommodate the design vehicle. The approach to Rt 63 should be reconstructed with a full depth pavement section for a distance of at least 100 feet from the Rt 63 lane edgeline. Oak Orchard Rd should have one 12 ft lane entering and one 12 ft lane exiting Rt 63. An 8 ft wide full depth shoulder should be included on the east side of Rt 63 and begin 50 ft south of the entreing radii | DOT letter to Mr Bimber DEC | |
| | <u>reconstruction of the</u> | does it commit financially to paying for that construction. The | | | |
| | <u>roads required to haul the</u> | | | | |
| | <u>stone out of the quarry site</u> | burden will fall to the taxpayers of the Town of Shelby | | | |
| | | | What about other scenarios for traffic distribution, such as Fletcher Chapel or any other roads? Who will pay for the construction and the maintenance? | | |

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frontierstone - comments by The Nature Conservancy

From: David Klein <dklein@TNC.ORG>
To: "frontierstone@gw.dec.state.ny.us" <frontierstone@gw.dec.state.ny.us>
Date: 6/9/2014 4:53 PM
Subject: comments by The Nature Conservancy
Attachments: TNC comments town of shelby quarry.docx

Good afternoon –

Please find attached the comments submitted by The Nature Conservancy in response to the draft EIS for the proposed Frontier Stone Quarry in the Town of Shelby, NY.

best regards,

David Klein

David Klein
Senior Field Representative
dklein@tnc.org
585.546.8030, ext. 24
585.546.7825 (Fax)

The Nature Conservancy
Central & Western NY Chapter
1048 University Ave.
Rochester, NY 14607
nature.org



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June 9, 2014

Scott E. Sheeley
NYSDEC Region 8 Office
6274 Avon-Lima Road
Avon, NY 14414

RE: Comments on draft EIS for proposed Frontier Stone Quarry, Shelby NY

Dear Mr. Sheeley:

The Nature Conservancy appreciates the opportunity to comment on the proposed quarry in the Town of Shelby, NY, on land adjacent to the Iroquois National Wildlife Refuge.

Our comments will focus on the alterations to the flow of water into Schoolhouse and Center Marshes from the quarry de-watering described in the EIS and in the report by Alpha Geoscience. As can be seen below, the flow alterations have considerable potential for an adverse impact to Schoolhouse Marsh. A summary of our concerns follows, with the detail we used to evaluate potential adverse impacts.

The maps in the EIS identify two primary drainage basins – Basins 1 and 2 - that direct flow from the property where the proposed quarry will be located (Zelazny property) into the marshes of Iroquois NWR. The first phase of the quarry development will affect the flow in Basin 1, which contributes water to Schoolhouse Marsh. The EIS prepared by Continental Placer Corporation makes several assertions about the impact from the first phase of operations on the hydrology of this marsh:

1. The full development of the quarry at the conclusion of Phase 1 will add a maximum of 251 gpm to the existing flow rate of 185.33 gpm from surficial drainage of Basin 1.
2. This additional flow rate of 251 gpm represents an insignificant addition to the amount of water that already flows off the Zelazny property into Schoolhouse Marsh via Basin 1 during 2, 5, 10, and 25-year storm events.
3. Since the water level of Schoolhouse Marsh is controlled by a weir and altered at regular intervals by Refuge staff to mimic natural conditions, the addition of relatively small amounts of water to existing flows during storm events can easily be accommodated simply through increased flow at the weir.

Our concerns:

- a. **The exact amount of additional water that will be contributed to the flow in Basin 1 from quarry dewatering is unclear, making evaluation of impacts difficult.** While the EIS specifies 251 gpm as the additional flow that will be added by quarry operations "at maximum development", the water budget summary table on page 118 states that the increase in flow to Basin 1 at full development of Phase 1 (the completion of the initial quarry) will be 259.67 gpm. In addition, the Alpha Geoscience report identifies (p. 15) "a total, potential, future flow through Basin 1 of 1,083.53 gpm. This flow is 898.20 gpm greater than the existing flow of 185.33 gpm." Further, the EIS does not provide a full analysis of the seasonal variability in groundwater flow and quarry de-watering, requiring the reviewer to use annualized rates to evaluate the impacts predicted by the EIS. It is difficult to reconcile the differing predictions in the EIS and Alpha Geoscience report on the increase in flows through Basin 1 that will result from quarry operations. For the purposes of this comment letter, we will use 259.67 gpm as the monthly additional flow from the quarry during phase 1 of operations.
- b. **While this additional flow may not add significant water to the storm-related runoff noted in the EIS, it is essential to compare this increased flow to the existing seasonal and low flows into Schoolhouse Marsh.** The high flows contributed by storms constitute only one component of the flow regime that shapes Schoolhouse Marsh; both seasonal flows (the normal flows in the center of the monthly flow distribution that occur the majority of the time) and monthly low flows, which provide opportunities to a particular suite of plants and animals, also must be considered. A considerable scientific literature (Poff et al 2010, Richter et al 2011) in recent years has clarified the impacts on aquatic biota of different degrees of alteration of high, seasonal and low flows. Recent additions to this literature have included reports (DePhilip and Moberg 2010, 2013, 2014; Taylor et al 2013) that recommend steps toward sustainable management of flows in the rivers and streams of New York and Pennsylvania. Table 1 provides an example of the recommendations on limits to hydrologic alteration provided by these recent reports. In each case, these recommendations reflect extensive literature review of the documented needs of flow-sensitive fish, mussels, and other aquatic biota. The watershed of Basin 1 and Schoolhouse Marsh falls within the most vulnerable, headwaters, class of streams in Table 1.
- c. **The additional flow from quarry dewatering will exceed the recommended limits to alteration of the seasonal and low flows into Schoolhouse Marsh during most months of the year.** The alteration in flows will be greatest during the low-flow summer and fall months, the key growing season for wetland plants and migration period for water birds. Details on the amount and nature of the impact using the Streamflow Estimator Tool (SET), developed by the U.S. Geological Survey Water Resources Center in Troy, NY are provided below, together with information on recommended limits to flow alteration (Table 1).

Steps to assess the amount of hydrologic alteration: We used the Streamflow Estimator Tool (SET), developed by the U.S. Geological Survey Water Resources Center in Troy, NY. The SET is designed to simulate the unaltered flows of watersheds of various sizes in New York through statistical comparison

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of gaged and ungaged streams of similar types. The SET builds on the existing capabilities of StreamStats, which outlines a watershed upstream of a proposed "pour" or withdrawal, and produces basic watershed statistics.

Using StreamStats, we can delineate the watershed of the current agricultural ditch (which apparently began as an ephemeral stream) that drains Basin 1. Figure 1 provides this delineation, and identifies the watershed size as 1.7 square miles. Although this watershed size is too small for use of the SET, which requires a minimum watershed size of 3.5 miles we easily identified a neighboring stream, with similar slope and soil types and a 3.77 square mile watershed, that supplies a nearby wetland outside the NWR. Figure 2 displays this watershed.

Table 2 provides the different levels of simulated unaltered flows, computed by the SET at various exceedence values, in this adjacent, larger watershed. For example, Q10 is the level of monthly flow exceeded 10 per cent of the time, while Q50 represents the monthly median flow for this stream. These flows are presented in cubic feet per second, so it is necessary to convert the 259.67 gpm of additional flow into this unit: $259.67 \text{ gpm} = 0.58 \text{ cubic feet per second}$. It is clear from looking at Table 2 that 0.58 cubic feet per second of additional flow would significantly alter the median, Q50, flow of this stream in most months, with particularly serious effects during the low flow months of June – August. Indeed, an additional 0.58cfs would alter the median flows for this larger stream in all but the early spring months, and this watershed is more than twice the size of the watershed in Basin 1. It is therefore clear that quarry dewatering may significantly alter the flow of water that shapes Schoolhouse Marsh in many months. The science-based flow recommendations in Table 1 caution against any alteration to Q50 in watersheds of this size during the summer, low-flow months.

Based on this analysis, we urge a careful review by the Department of Environmental Conservation of the DEIS and the proposed mitigation steps, to ensure that alterations of water flows into Schoolhouse Marsh remain within recommended limits. We will be glad to provide a fuller discussion of these comments.

Sincerely,

David Klein
Senior Field Representative

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Figure 1: Watershed of primary drainage into Basin 1

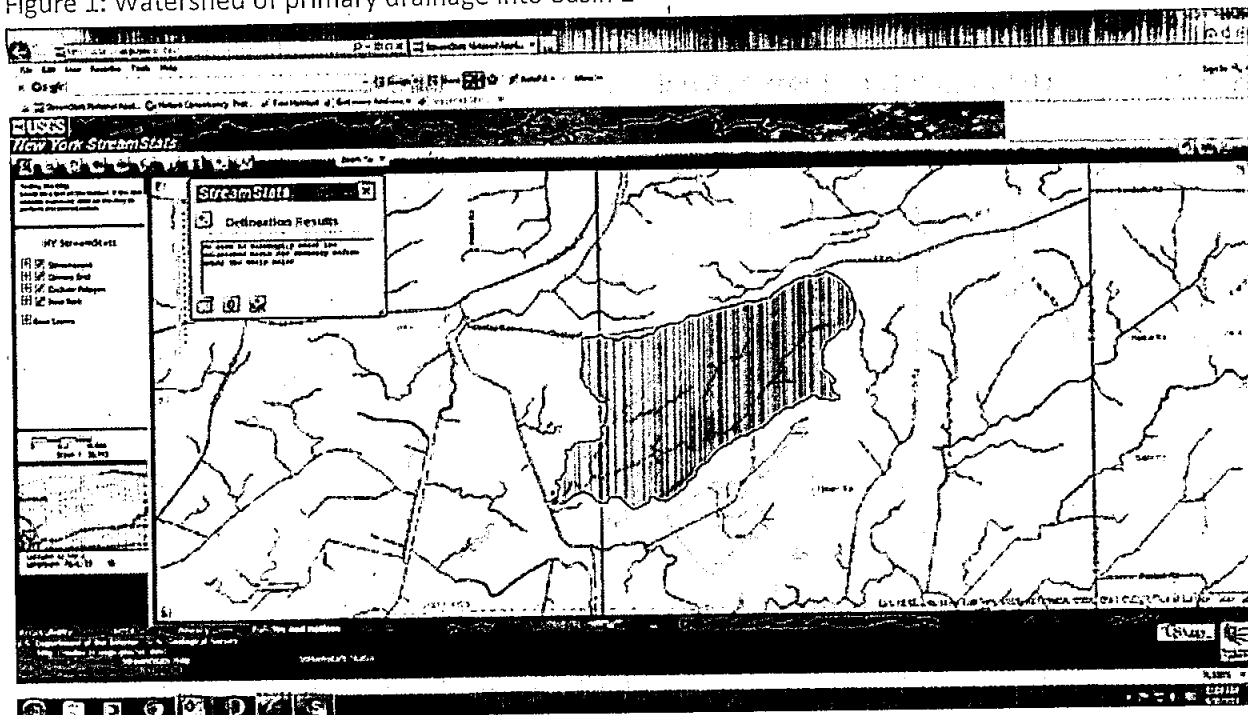


Figure 2: Similar but larger adjacent watershed use for the SET calculations. Blue circle indicates the location shown in Figure 1.

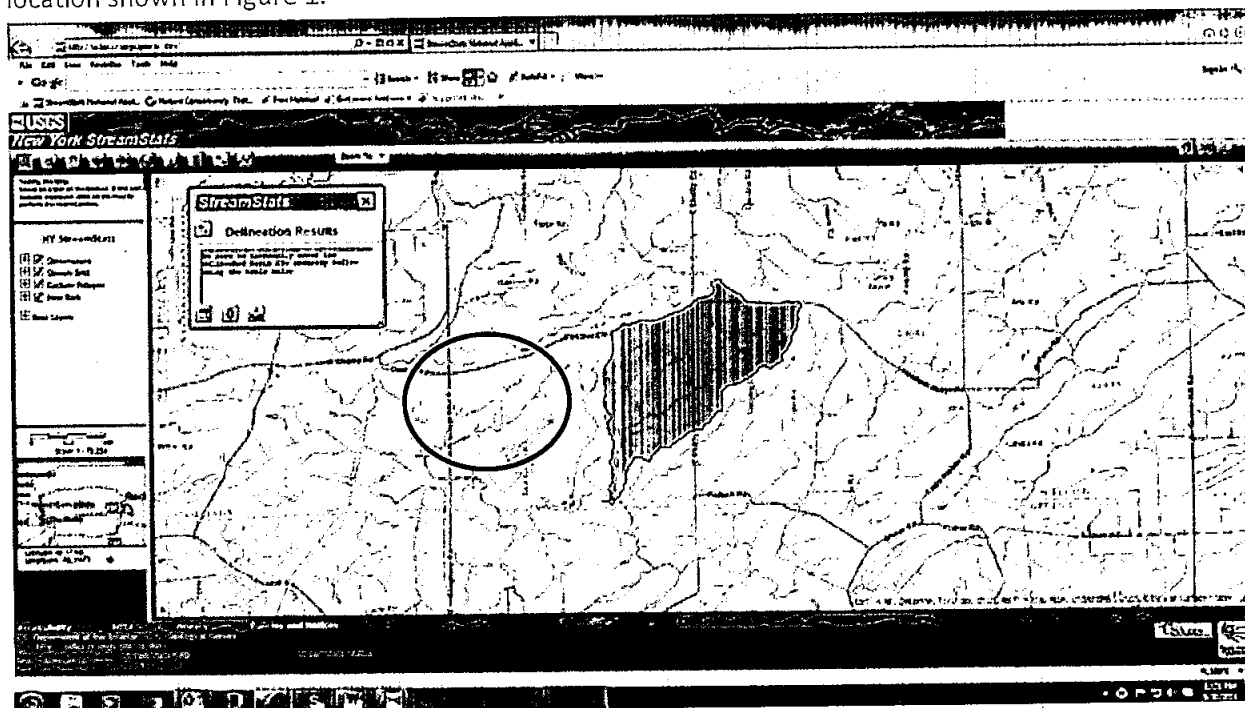


Table 1: Flow recommendations for tributaries of the Great Lakes in NY and PA (Taylor et al, 2013)

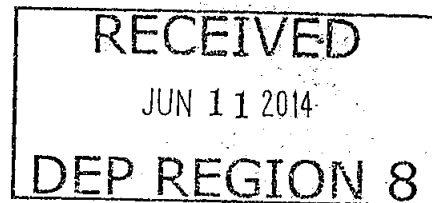
| | | |
|----------------|--|---|
| High flows | All habitat types | All seasons <ul style="list-style-type: none"> Maintain magnitude and frequency of 5-year (small) flood Maintain magnitude, frequency and duration of channel forming (1 to 2-year) events |
| | All habitat types | All seasons <ul style="list-style-type: none"> <10% change to the magnitude of high flow pulses (monthly Q_{10}) No change to the frequency and duration of high flow pulses (monthly Q_{10}) |
| Seasonal flows | Headwaters and creeks | All seasons: <10% change to upper flow range (between monthly Q_{10} and Q_{50}) Summer - Fall: No change to monthly Q_{50} ; no change to lower seasonal range below Q_{50} Winter-Spring: <10% change to Q_{50} ; <10% change between monthly Q_{50} and Q_{70} |
| | Small rivers, 50 - 200 sq. mi. | <10% change to monthly Q_{50} , to upper seasonal range monthly $Q_{10} - Q_{50}$, and to lower seasonal range monthly $Q_{50} - Q_{70}$ (summer-fall) or monthly $Q_{50} - Q_{80}$ (winter-spring) |
| | Major tributaries, 200 - 1,000 sq. mi. | <15% change to monthly Q_{50} , to upper season range monthly Q_{10} to Q_{50} , and to lower seasonal range monthly Q_{50} to Q_{70} (summer-fall) or monthly Q_{50} to Q_{80} (winter-spring) |
| | Large rivers, >1,000 sq. mi. | <20% change to monthly Q_{50} , to upper seasonal range Q_{10} to Q_{50} , and to lower seasonal range monthly Q_{50} to Q_{75} |
| | | No change to low flow range monthly Q_{50} to Q_{99} (summer-fall) or monthly Q_{70} to Q_{99} (winter-spring) |
| | | No change to low flow range monthly Q_{70} to Q_{99} (summer-fall) or monthly Q_{80} to Q_{99} (winter-spring) |
| | | <div>Summer-Fall (July – Oct)</div> <ul style="list-style-type: none"> <20% change to low flow range (monthly $Q_{75} - Q_{85}$) No change to lowest flow range (Q_{85-99}) <div>Winter-Spring (Nov – June)</div> <ul style="list-style-type: none"> <20% change to low flow range (monthly $Q_{75} - Q_{90}$) No change to lowest flow range (Q_{90-99}) |

Table 2: SET output for watershed shown in Figure 2. Flows for each exceedence value are cfs.

| Flow statistic | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------|-------|-------|-------|-------|-------|-------|------|------|-------|----------|----------|----------|
| Q1 | 35.25 | 49.22 | 57.66 | 47.87 | 30.15 | 18.56 | 8.54 | 7.60 | 13.39 | 14.83715 | 22.13868 | 39.88501 |
| Q2 | 25.76 | 43.99 | 51.01 | 41.14 | 19.83 | 13.11 | 6.04 | 5.05 | 6.39 | 9.85 | 16.05 | 28.02 |
| Q5 | 15.62 | 26.87 | 41.28 | 24.51 | 11.33 | 6.41 | 2.96 | 2.34 | 3.38 | 5.32 | 10.34 | 15.79 |
| Q10 | 9.81 | 14.58 | 25.99 | 16.79 | 6.94 | 3.93 | 1.71 | 1.39 | 1.70 | 2.69 | 6.84 | 9.57 |
| Q15 | 7.30 | 9.80 | 19.43 | 12.76 | 5.67 | 3.16 | 1.17 | 1.01 | 1.11 | 1.92 | 4.98 | 7.47 |
| Q20 | 5.76 | 7.60 | 15.99 | 10.67 | 4.77 | 2.50 | 0.94 | 0.77 | 0.81 | 1.54 | 4.01 | 6.31 |
| Q25 | 4.81 | 6.38 | 13.13 | 9.08 | 4.25 | 2.09 | 0.80 | 0.46 | 0.49 | 1.22 | 3.22 | 5.37 |
| Q30 | 4.03 | 5.43 | 10.92 | 7.99 | 3.83 | 1.82 | 0.59 | 0.32 | 0.29 | 0.99 | 2.44 | 4.71 |
| Q35 | 3.40 | 4.65 | 9.58 | 7.06 | 3.50 | 1.59 | 0.43 | 0.22 | 0.20 | 0.81 | 1.97 | 4.06 |
| Q40 | 3.01 | 4.03 | 8.55 | 6.47 | 3.27 | 1.35 | 0.31 | 0.17 | 0.15 | 0.62 | 1.68 | 3.63 |
| Q45 | 2.56 | 3.60 | 7.65 | 5.78 | 3.05 | 1.18 | 0.23 | 0.13 | 0.12 | 0.36 | 1.44 | 3.14 |
| Q50 | 2.29 | 3.07 | 6.72 | 5.24 | 2.74 | 1.02 | 0.18 | 0.10 | 0.10 | 0.26 | 1.24 | 2.68 |
| Q55 | 2.05 | 2.78 | 6.01 | 4.82 | 2.46 | 0.92 | 0.14 | 0.08 | 0.08 | 0.20 | 1.05 | 2.27 |
| Q60 | 1.83 | 2.46 | 5.41 | 4.44 | 2.18 | 0.83 | 0.11 | 0.07 | 0.06 | 0.15 | 0.91 | 1.89 |
| Q65 | 1.64 | 2.19 | 4.88 | 4.11 | 1.99 | 0.66 | 0.09 | 0.06 | 0.05 | 0.11 | 0.80 | 1.62 |
| Q70 | 1.34 | 1.95 | 4.42 | 3.74 | 1.81 | 0.46 | 0.07 | 0.05 | 0.04 | 0.09 | 0.55 | 1.25 |
| Q75 | 1.15 | 1.68 | 3.86 | 3.42 | 1.66 | 0.30 | 0.06 | 0.03 | 0.03 | 0.07 | 0.36 | 0.94 |
| Q80 | 0.93 | 1.32 | 3.40 | 3.11 | 1.41 | 0.21 | 0.04 | 0.03 | 0.03 | 0.05 | 0.22 | 0.77 |
| Q85 | 0.77 | 0.98 | 3.08 | 2.74 | 1.19 | 0.16 | 0.03 | 0.02 | 0.02 | 0.04 | 0.15 | 0.41 |
| Q90 | 0.36 | 0.75 | 2.63 | 2.31 | 0.99 | 0.09 | 0.01 | 0.01 | 0.01 | 0.03 | 0.08 | 0.22 |
| Q95 | 0.15 | 0.28 | 1.97 | 1.92 | 0.72 | 0.05 | 0.01 | 0.01 | 0.01 | 0.02 | 0.04 | 0.09 |
| Q98 | 0.04 | 0.10 | 1.56 | 1.70 | 0.32 | 0.02 | 0.00 | 0.00 | 0.00 | 0.01 | 0.02 | 0.03 |
| Q99 | 0.03 | 0.02 | 0.88 | 1.52 | 0.19 | 0.01 | 0.00 | 0.00 | 0.00 | 0.01 | 0.02 | 0.02 |

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Ms. Patricia M. Olinger
11455 S. Townline Rd.
Lyndonville, NY 14098



Mr. Scott Sheeley
6274 Avon-Lima Rd.
Avon, NY 14414-9519

RE: Frontier Stone LLC proposed Shelby site

Dear Mr. Sheeley,

I am writing to express my opinion on the proposed quarry site near the Iroquois National Wildlife Refuge.

If all parties have done their due diligence and can work in harmony with the surrounding area, then I feel this project will be a positive thing for many of us. Change is difficult for many people, but without change, there is no progress.

Sincerely,

A handwritten signature in cursive script that reads "Patricia M. Olinger".

Patricia M. Olinger

This document is to be used for informational purposes only. It is not to be used for any other purpose.

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pg 1/2**frontierstone - Comments on Behalf of the Buffalo Ornithological Society**

From: "Thomas O'Donnell" <tmodonnell@roadrunner.com>
To: <frontierstone@gw.dec.state.ny.us>
Date: 6/9/2014 8:07 AM
Subject: Comments on Behalf of the Buffalo Ornithological Society
Attachments: BOS Comments re Frontier Stone.pdf

Please see attached.

Thomas M. O'Donnell
Niagara Falls, New York
tmodonnell@roadrunner.com

BUFFALO ORNITHOLOGICAL SOCIETY



Buffalo Museum of Science
1020 Humboldt Parkway
Buffalo, New York 14211-1293

Thomas M. O'Donnell, President
3067 Lewiston Road
Niagara Falls, New York 14305-1800
Telephone: (716) 284-5569
Email: tmodonnell@roadrunner.com

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June 9, 2014

Via email to frontierstone@gw.dec.state.ny.us

Scott E. Sheeley
Regional Permit Administrator
New York State Department of Environmental Conservation, Region 8
6274 Avon-Lima Road, Avon New York

Re: Frontier Stone, LLC Applications
Article 23, Mined Land Reclamation, DEC # 8-3436-00033/00001
Article 15, Water Withdrawal, DEC # 8-3436-00033/00002

Dear Mr. Sheeley;

Thank you for the opportunity to comment on the above applications and draft EIS.

The Buffalo Ornithological Society is very concerned with the potential impacts of the project on the surrounding area and in particular the adjacent Iroquois National Wildlife Refuge and the slightly more distant State Wildlife Management Areas.

It appears that the draft EIS has been drafted to minimize potential adverse impacts on the Iroquois Refuge by either using conclusory statements that there will be no impact or designing impact areas affected by the project to exclude the Refuge. As the Refuge is literally a "stone's throw" from the project, this needs to be revised before the draft EIS is accepted as final.

In fact, most of the deficiencies noted in the June 26, 2008 letter from the Refuge staff commenting on the version of the draft EIS at the time also apply to the current version. (See page 26 of the PDF version of Volume 3.)

The main adverse impacts to the Refuge involve water, noise and traffic.

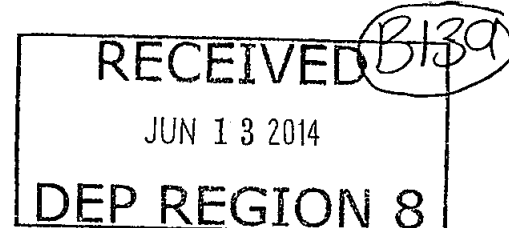
The draft EIS asserts that pumping large quantities of ground water and having it leave the project site in agricultural ditches that flow towards the refuge will have no impact. They have provided no data to back this claim.

Noise will be generated both on the site through operations and blasting and off site by the trucks traveling to and from the site. In fact the proposed truck route uses a local road that goes through the refuge. According to the project traffic study this road currently has a peak volume of approximately a dozen cars per hour. This is proposed to be increased to hundreds of truck trips per day and is claimed to have no impact on either wildlife or visitors to the Refuge.

For the reasons set forth above, we urge you to deny the permits requested for this project.

Respectfully submitted,

Thomas M. O'Donnell,
President



Dear Mr. Scott Sheely,

My name is Doug Bracey, age 46, and reside with my wife Karen at 11396 Fletcher Chapel Rd. approx. ½ mile west of the proposed quarry site but within visual sight of the proposed quarry entrance. Before I start with my concerns, let me give you a brief history of my family. My grandparents were the previous owners of where I reside now which they purchased back in the 40's. The original property extended out to the south all the way over to Oak Orchard Ridge rd until the GOVERNMENT came in the 60's and bought up the land from the power lines to Oak Orchard Ridge Rd at a measly \$300/acre. They did this to create what is now called the Iroquois Wildlife Refuge to protect the migratory animals and give humans the ability to come and the chance visit wildlife in a calm and quiet environment. My grandparents farmed all of this land(which is now 83 acres).to make a living off of the milk that the cows produced. Then in the 70's, the GOVERNMENT again stepped in and told them that they needed to comply with a new up-to-date milk house which would have been too costly for the aging Bracey family. Ernest and Sophie Bracey continued to farm to feed beef cows and chickens until 80's when they finally retired and rented the land out. My brother and I purchased the house and land in 1988 and have owned it ever since. Since then, I have started "Deer Run Pine Trees". In 2003, I purchased 1100 pines to start growing along the south east of our land. I have done this every year since, eventually totaling 22 acres along the south border of our property. There is a specific reason for all this info, which will come to light in the next few paragraphs so please bare with me.

I was present at the quarry meeting at the Town of Shelby April 30th. I did not speak but listened intently to all my fine neighbors that did.

I would just like to take this time to re-iterate a few points and then add a few more of my own.

1. QUALITY OF LIFE: How do you put a price on that? I work a lot in Buffalo where the houses are close together, the streets are busy, people yelling and horns honking, So when I come home to quiet Shelby country life, well its like coming home to my own personal "Cloud 9" everyday. Recently I have had people from Grand Island stop by to purchase a few trees and made comments of how beautiful and quiet it is out here.
2. WILD LIFE: Mr. Kevin Brown, lawyer from Syracuse for Frontier LLC. kept on re-iterating the "scientific facts" in the study. Well the last time I checked, scientists couldn't talk to wildlife. If the scientist were that good, then they would have found a cure for cancer a long time ago.
3. OTHER STONE QUARRIES: Yes, there are many other stone quarries in a 35 miles radius. In fact 3 are within 10 minutes of my house. Thanks Mr. Ken Printup for that fact.
4. DUST: The berms won't stop the dust. Lets be real here, there will always be dust coming from the quarry. Along with the winds we have along the Fletcher Chapel Rd, the dust will be blown onto the residents of East Shelby with a pre-dominate south west wind.
5. De-watering: According to the impact study, the scientific number of gallons leaving the mining site is approximately 500,000 gallons a day. This was also talked about in Kevin Brown's iteration of the site, stating the water will leave

down the farm ditch which is already there. Well, did anybody go and look to see where the water is going to end up on the refuge? I've lived in this area all my life and tell you that the farm ditch goes under the access road for a National Grid switch structure into another ditch (which is roughly 8 foot wide) heads south and turns to the west towards Sour Springs Rd. It then goes under Sour Springs Rd. and drains into Schoolhouse Overlook Pond. This pond is controlled by the refuge, which the run off ditch is on the west side of this pond and heads for Rt 63. The ditch, which isn't very wide or deep, continues under 63 by the kiosk located on the west side of 63. From there it eventually makes it to Oak Orchard Creek in which the refuge again controls the flow.

Now this is where I did some research and found out that one acre of land with one foot of water on it comes to a grand total of 376,000 gallons of water. So with that said, 500,000 gallons minus 100,000 gallons of natural run off per day equals 400,000 gallons of water per day and on a 6 day work week equals 2,400,000 gallons of water a week. Now let's divide that by 376,000 gallons and we have 6.38 acres of land covered with a foot of water, and that is only one week of business. The point I am trying to make here is, with that much water, and the way the land sits on the refuge I do believe that the ditches on my land that drain off the water off my land and my pine trees that I have been planting since 2003 will be in jeopardy. I went out and got the GPS coordinates from the 3 ditches that cross the power lines and drain towards the refuge are as follows:

lat. 43 09 7.7148 long. -78 23 24.6906

lat 43 09 7.9812 long. -78 23 11.7744

lat 43 09 8.6292 long -78 22 58.6986

Now through these ditches as of today, is all the run off from the Fletcher Chapel Rd from Rt 63 to Sour Springs Rd (which is roughly a mile in length), as this land is sloped towards the refuge.

6. Roads: These roads won't hold up to the big trucks that come to the stone quarry. You have to remember, the Sour Springs Rd was only stoned and tarred less than 10 years ago. This road used to be dirt. Why should tax payers pay for these road upgrades for someone else's fortune? There are other roads used by Shelby taxpayers that need attention. I do believe Mr. Mayer from the Bigford Rd touched on this at the board meeting
7. Wells: Yes, many of us have city water, but there are many that do not. Residents on Edwards Rd do not, as South Woods Rd, Bigford Rd and residents south of East Shelby. They did mention the 2 houses on Sour Springs Rd, geez that was kind of them. Currently, I still use my well to water my pine trees, as the city water would damage them because of the chlorine. This would add another cost to me while I try to grow trees to be sold.
8. Other areas: There are other areas that can be used to extract this same type of limestone that isn't so close to a refuge land that wouldn't effect wildlife like it would at this proposed site. Mr. Domoy stated this limestone rock runs from Illinois to the New England states, I am urging that this permit be denied so another spot that is environment friendly can be obtained.

9. Public Employees for Environmental Responsibility (PEER): In 2008 Environmental managers were surveyed across the United States. There were 5 refuges that were or are in trouble from outside refuge boundaries. One of them on the troubled list is "Iroquois National wildlife Refuge" because of the proposed stone quarry.(see attached)

In summary, I believe there are too many unanswered questions and detrimnts to life to warrant a quarry this close to the refuge. I can't speak for the Refuge but I don't think they are willing to disrupt what they have worked so hard to do for the wildlife to accommodate a mining facility's gallons of water. Yes, the study stressed a pond that would be there on the mining site, but that wouldn't be until after 10 years of mining. Besides, after a said pond is established, one gallon of water pumped-into said pond-means-one-gallon-of-water-is pushed-out the other side. I hope after all the issues from residents are read, the GOVERNMENT employees make the right decision and turn down this permit, so friendly Shelby residents can maintain our nice quiet neighborhood Thank you for this opportunity to express my concerns.

Sincerely

Doug Bracey....long time resident and tax payer



IROQUOIS NATIONAL WILDLIFE REFUGE

Alabama, NY – The Iroquois NWR lies along the Atlantic Flyway, making it a key stopover for tens of thousands of migrating Canada geese each year. Besides waterfowl, migrating shorebirds, such as yellowlegs, dowitchers, sandpipers, killdeer, American woodcock and snipe, make Iroquois landings. The refuge also hosts two active bald eagle nests, as well as major use by immature eagles.

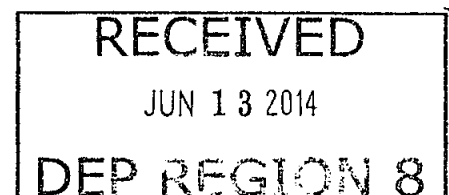
The 11,000-acre refuge is also home to 42 species of mammals, such as muskrat, red fox, eastern cottontail, and river otter. Similarly, a wide variety of fish species including northern pike, bass, black crappie, bullhead, carp, sunfish and yellow perch reside in refuge waters.

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Located in western New York State, the Iroquois NWR is sandwiched by state wildlife management areas totaling 8,000 acres, thus enhancing its attraction to all forms of wildlife, including several state-listed threatened species.

A private corporation, Frontier Stone LLC, has filed application for a 174-acre quarry for limestone and dolomite to be situated adjacent to the refuge. The hydrological parameters and impacts of the quarry operation are not known, but federal and academic experts are concerned that blasting and water draw-downs from the quarry site could negatively affect water levels in refuge pools and the vegetation and animal species which depend on those pools.

The entire wetlands complex in Iroquois NWR may be joined in a closely-related hydrological unit. To date, there has been no characterization of ground-water or surface water flow from the quarry toward the Iroquois NWR. Such a characterization, however, is beyond the requirements of New York State for private quarry applicants.



The U.S. Geological Survey has proposed to undertake a comprehensive study of the hydrology but no sponsor has come forward to fund it. So, without a public agency willing to step up and undertake the review needed to prevent unnecessary damage to the refuge hydrology, the fate of the Iroquois waters is murky, at best.

These pages came from

"PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

DC (HQ); California; Florida; New England; New Jersey; Refuge Keeper; Rocky Mountain; Southwest; Tennessee "