

# New York State Department of Environmental Conservation

## Environmental Permits, Region 8

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Joe Martens  
Commissioner

December 23, 2013

Via e-mail ([hellert@continentalplacer.com](mailto:hellert@continentalplacer.com)) and U.S. Mail

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

REC'D DEC 27 2013

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

Dear Mr. Hellert:

The New York State Department of Environmental Conservation (DEC) has reviewed the revised Draft Environmental Impact Statement (Draft EIS) dated October 15, 2013 for the above referenced project, which we received on October 22, 2013. Included with this information was an electronic copy of the Draft EIS text in Word. This version of the Draft EIS incorporated many of the Department's prior comments.

Based on our review of the revised Draft EIS, the Department believes that it satisfactorily addresses most of our prior comments and with the revisions noted below incorporated, would be adequate to accept for public review and comment:

### Wildlife

1. Several corrections and revisions have been made in the Word version of the document related to hunting seasons and short-eared owls. A copy of the Word file with the proposed changes in "tracked changes" is attached to the e-mail copy of this letter. With the acceptance of the revisions to the wildlife information proposed by Department staff, we believe the Draft EIS would be adequate for public review.

### Traffic

2. Several minor corrections and revision have been made in the Word version of the document related to traffic to ensure that the traffic information is presented consistently throughout. A copy of the Word file with the proposed changes in "tracked changes" is attached to the e-mail copy of this letter. With the acceptance of the revisions to the traffic information proposed by Department staff, we believe the Draft EIS would be adequate for public review.

### Noise Impact Assessment

3. There were numerous revisions that you incorporated into the October 15, 2013 version of Draft EIS related to the assessment of noise impacts. Based on our review of the revised information you provided, the next version of the Draft EIS should address the following:
  - a. Tables 19-22 are all provided purportedly to indicate noise levels that are expected to be generated by the proposed operations. However, these tables contain differing sound levels for similar equipment and it is unclear how the projected noise level scenarios presented in Section 4.2.6 were developed. In an e-mail dated December 13, 2013 you provided revised calculations for projected noise levels. As discussed previously, these values need to be used

to revise the noise analysis and the Draft EIS accordingly. It may be beneficial to forward the revised noise information to us separately, in electronic format, prior to sending the hard copies of the Draft EIS noted below. This would allow us an opportunity to quickly confirm that the noise evaluation has been satisfactorily revised prior to your client incurring the expense of copying and assembling the hard copies.

- b. The "Noise Receptor Diagram" should be provided with a Figure Number for reference, and then added to the Draft EIS table of contents. In addition, the figure should include labels for noise receptors as described and discussed in the text of the Draft EIS and Appendix 9 (e.g., as "S-1", "S-2", "S-3" in Appendix 9 and Table 18, and "Receptor Stations #1, #2, #3" in Table 23).

This letter is designed to address items necessary to complete the DEC applications and address additional information that will be need to be included in the DEIS. It is not a permit decision or an endorsement of any alternatives or mitigation scenarios which have been included in your submissions.

As discussed previously, eight hard copies of the Draft EIS should be provided to the Department for distribution and public review, along with a full electronic copy. The electronic copy should include a revised versions of the Draft EIS text in Word and Adobe \*.pdf. In addition, you should begin making arrangements to have a complete copy of the Draft EIS in an electronic form that can be posted on-line. We expect that Frontier Stone will set up a website for that purpose, and be able to provide the Department with the website address. The website address will be incorporated into the Department's notices concerning the project.

In addition, during the public comment period on the Draft EIS, the Department will conduct a legislative public SEQR hearing on the Draft EIS. Our notices will explain the time, location and purpose of the hearing, and so you may wish to begin inquiring about potential hearing location venues and availability.

Upon our formal acceptance of the Draft EIS, we anticipate also deeming the several permit applications related to this proposal complete under the NYS Uniform Procedures Act (UPA). In that respect the comment period of the Draft EIS under SEQR, would also serve as the public comment period on complete applications for purposes of UPA.

We remain available to meet and discuss any of the above items, should you or your client feel that it would be helpful. If you have any questions about this notice, or would like to schedule a meeting to discuss this application, please call me at (585) 256-5382. Thank you.

Sincerely,



Scott E. Sheeley  
Regional Permit Administrator

Ecc (w/attachment):

Steve Army, DEC Region 8  
Heidi Kennedy, DEC Region 8  
Scott Rodabaugh/Dave Pratt, DEC Region 8  
Tom Marriott, DEC Region 8  
Scott Jones, DEC Region 8  
Leo Bracci, DEC Region 8  
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Kevin Brown, Esq.