

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

**DATE:** March 28, 2014

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

### **NYSDEC APPLICATIONS AND ID NUMBERS:**

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

### **PROJECT DESCRIPTION:**

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

### **STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR"):**

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

### **NOTICE OF COMPLETE APPLICATION:**

The DEC has determined that permit applications filed for the proposal are complete for purposes of further DEC review and public comment pursuant to 6 NYCRR §621.7. DEC permit jurisdiction includes Mined Land Reclamation (ECL Article 23) and Water Withdrawal (ECL Article 15). As noted further below, **written public comments will be accepted on the applications until May 12, 2014**. In addition, the applicant will seek coverage under the State

Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (ECL Article 17). The applicant also anticipates the need to file an Air Registration (ECL Article 19) and possibly Petroleum Bulk Storage registration (ECL Article 17).

**ADDITIONAL REGULATORY PROVISIONS:**

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

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

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

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

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

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

On-line for viewing and downloading at:  
[www.continentalplacer.com](http://www.continentalplacer.com)

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

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

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

**COPY OF THIS NOTICE SENT TO:**

*SEQR INVOLVED AGENCIES*

Town of Shelby Town Board (w/Draft EIS hard copy)  
Town of Shelby Planning Board (w/Draft EIS electronic copy)  
Town of Shelby Zoning Board (w/Draft EIS electronic copy)  
Orleans County Highway Department (w/Draft EIS electronic copy)  
Orleans County Planning Department (w/Draft EIS electronic copy)  
NYS Department of Transportation, Region 4 (w/Draft EIS electronic copy)

*SEQR INTERESTED AGENCIES AND INDIVIDUALS*

US Fish & Wildlife Service, Iroquois National Wildlife Refuge (w/Draft EIS hard copy)  
US Department of Labor, Iroquois Job Center (w/Draft EIS electronic copy)  
NYS Office of Parks, Recreation and Historic Preservation (w/Draft EIS electronic copy)  
Genesee County Planning Department (w/Draft EIS electronic copy)  
Orleans County Federation of Sportsman's Clubs, Inc. (w/Draft EIS electronic copy)  
Wendy Pencille (w/Draft EIS electronic Copy)  
Ken Printup, Sr. (w/Draft EIS electronic Copy)

*INDIAN NATIONS*

Seneca Nation (w/Draft EIS electronic copy)  
Tonawanda Seneca Nation (w/Draft EIS electronic copy)  
Tuscarora Nation (w/Draft EIS electronic copy)

*SEQR REPOSITORIES (all w/Draft EIS hard copy)*

NYSDEC Region 8 Headquarters, 6274 East Avon-Lima Road, Avon, NY  
Town of Shelby Town Hall, 4062 Salt Works Road, Medina, NY  
Lee-Whedon Memorial Library, 620 West Avenue, Medina, NY