

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

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January 6, 2022

Via US Mail and email:

Thomas Biamonte
Eagle Harbor Sand and Gravel, Inc.
10830 Blair Road
Medina, NY 14103

RE: SEQR - Notice of Public Scoping
Eagle Harbor Sand and Gravel Pit (Mine ID #80171)
Application ID: DEC ID# 8-3422-00003/00001
Town of Barre, Orleans County

Dear Mr. Biamonte:

The New York State Department of Environmental Conservation (DEC) has previously notified you of its determination that the expansion of the Eagle Harbor Sand and Gravel Pit has the potential for significant adverse environmental impacts and issuance of a State Environmental Quality Review Act (SEQR) Positive Declaration.

In accordance with the public scoping procedures outlined in the SEQR regulations (6 NYCRR § 617.8), we are now providing you with the draft scoping outline and a public notice concerning the draft scoping document (copies enclosed). As indicated in the public notice, written comments on the draft scoping document are being accepted by the Department through **February 11, 2022**.

By copy of this letter and its enclosures, we are also notifying all of the interested/involved agencies of the availability of the draft scoping document and the opportunity for public comment. The Department will be providing notice of the comment period in the **January 12, 2022** issue of its on-line Environmental Notice Bulletin. You are responsible for publishing all of the information in the public notice in the *Batavia Daily News* during the week of **January 10, 2022**. Please obtain an affidavit of public notice and provide to the Department.

If you have any questions about publication of the notice or any other matters related to the scoping process, please contact me at (585) 226-5396 or email at Robert.Call@dec.ny.gov.

Sincerely,

Robert B. Call
Environmental Analyst

Enc : Draft Scope Outline

January 6, 2022

Ecc:

Town of Barre

USACE – Buffalo Regulatory Office (Ecc)

D. Sek, NYSDEC - MLR (Ecc)

S. Army, NYSDEC - MLR (Ecc)

T. Haley, NYSDEC - Regional Permit Administrator (Ecc)

D. Loew, NYSDEC – OGC (Ecc)

B. Milliman – Strategic Mining Solutions LLC

File

New York State Environmental Quality Review Act (SEQR)

Notice of Positive Declaration and Public Scoping

The New York State Department of Environmental Conservation (DEC), as the SEQR lead agency, has determined by its issuance of a SEQR positive declaration that a proposed modification of the Eagle Harbor Sand and Gravel Pit may have a significant adverse impact on the environment and a Draft Environmental Impact Statement (DEIS) must be prepared.

Eagle Harbor Sand & Gravel, Inc proposes to excavate of consolidated bedrock material in a 99.7 acre area within the existing 250.6 acre life-of-mine of the existing sand and gravel pit. Sand and gravel operations will continue, and operations will be modified to include drilling blasting and crushing to support the bedrock mining. The mine is located in the Town of Barre along the western side of Eagle Harbor Road and approximately six (6) miles southwest of the Village of Albion.

A draft scoping document has been prepared by the DEC to outline the content of the required Draft EIS. A written public comment period pursuant to 6 NYCRR Part 617 is being provided to gather public comment on the draft scoping document and proposed content of the Draft EIS.

Written comments on the draft scoping document are being accepted and must be submitted by mail or e-mail to the contact person (listed below) by February 11, 2022. A copy of the SEQR positive declaration and draft scoping document may be viewed at the DEC Region 8 Office in Avon during normal business hours by calling the contact person. Electronic copies of the SEQR positive declaration and draft EIS scoping document may also be obtained by request to the contact person and on-line at: <https://www.shelbystone.com>.

Contact Person: Robert B. Call, Deputy Regional Permit Administrator, NYSDEC Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, Phone: (585) 226-5396, E-mail: robert.call@dec.ny.gov

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

DRAFT SCOPING OUTLINE

Eagle Harbor Sand and Gravel Pit (Mine ID #80171)
DEC No. 8-3422-00003/00001, Mined Land Reclamation No. 80171

January 6, 2022

BACKGROUND

The currently permitted Eagle Harbor Sand & Gravel, Inc. Eagle Harbor Mine includes a 250.6+/- acre life-of-mine area, located in the Town of Barre. Eagle Harbor Sand & Gravel, Inc proposes to excavate consolidated dolostone bedrock material in a 99.7-acre area within the existing sand and gravel mine life-of-mine area. The modification will include:

- Adding consolidated bedrock excavation within a 99.7-acre area using standard drilling and blasting techniques.
- Increasing the permitted depth of excavation. The bedrock to be mined is overlain by sand that averages about 35-40 feet in thickness within the proposed bedrock excavation area. The depth of excavation will be increased to remove the sand to access and mine the full thickness of the dolostone bedrock. The overall depth of excavation (sand and bedrock) will be approximately 80-100 feet.
- Adding a portable crushing plant to crush the rock prior to feeding it into the existing processing plant for sizing. No changes to the existing processing plant will occur as part of this modification.

This scoping document is being developed for the purpose of preparing a Draft Environmental Impact Statement (DEIS) for the proposed modification. As the Lead Agency designated pursuant to the New York State Environmental Quality Review Act (SEQR), the New York State Department of Environmental Conservation (DEC) classified the proposal as a SEQR Type I action and issued a positive declaration for the proposed modification on September 10, 2021, requiring the preparation of a DEIS. A scoping document describes the content and format of a DEIS and will be used by the DEC to determine when the prepared DEIS is adequate for public review. This draft scoping document is being prepared in accordance with the SEQR regulations at 6 NYCRR § 617.8 and the draft scope will be shared with SEQR involved agencies and reasonable information needs will be included in the final scope (6 NYCRR § 617.8 (c)). Public input will be gathered on the draft scope during a written comment period. Before finalizing the scoping document, public input received on the draft scope will be reviewed and considered.

The positive declaration identified the following potential significant environmental impacts that may result from the Project:

- A potential for significant impact on Land Resources, as there is a proposed permanent change of use for the lands at the site with the proposed bedrock mining.
- A potential adverse impact to Agricultural Resources, as there is a permanent conversion of land in a certified agricultural district.
- A potential for adverse impacts to Surface Waters, specifically neighboring wetlands and on-site and adjoining Class A streams due to the mining below the water table, and discharges related to dewatering the site.
- A potential for impact to area Groundwater Resources, due to the mining and dewatering below the water table.
- A potential adverse impact due to Noise and Vibrations, related to the proposed drilling, blasting and crushing operations related to the mining of consolidated dolostone bedrock.
- A potential for adverse impacts to Traffic related to extended use of the mine, along with debris and dust on the area roadways.
- A potential for adverse impacts due to Air Resources, due to potential new air and dust emissions sources within the mine operations.

The above supporting reasons are not necessarily inclusive. Additional potential impacts may be identified during the scoping process. The scope of the DEIS for the Eagle Harbor Sand & Gravel – Eagle Harbor Mine is identified below and will include the following sections:

1.0 COVER SHEET

Type of document (draft, final), title of project, location, name and address of SEQR Lead Agency contact person, name and address of document preparer, date of Lead Agency acceptance, date of hearing, and deadline for acceptance of both public and agency DEIS comments (per 6 NYCRR § 617.9(b)).

2.0 TABLE OF CONTENTS

This will list the contents of the DEIS and page numbers for each section.

3.0 INTRODUCTION

The DEIS will discuss the identified environmental issues for the project. These issues will be presented and discussed as described below.

3.1 PROJECT DESCRIPTION

This section will describe the various elements of the project and their relationship or dependence on each other for the success of the project.

3.2 EXECUTIVE SUMMARY

This summary will present an overview of the project, provide a brief description of the overall proposed action, and list the following:

- 3.2.1 significant beneficial and adverse impacts,**
- 3.2.2 alternatives considered**
- 3.2.3 mitigation measures proposed,**
- 3.2.4 issues of controversy, and**
- 3.2.5 matters to be decided, including a list of each permit or approval required.**

3.3 PROJECT PURPOSE, NEED AND BENEFITS

The DEIS will identify and discuss the purpose, public need, and public benefit of the proposed project.

3.4 ENVIRONMENTAL REVIEW PROCESS

3.4.1 Approvals Required

This section of the DEIS will provide an overview of the permits and approvals presently anticipated to be required for the proposed project, the agencies responsible for the approvals, and the applicable law or regulations associated with each approval. The information will be provided in a table, and this table may be revised as additional information is obtained during the scoping process. A draft of Table 1 is attached to this draft scope.

By way of background, the processing of certain environmental permit applications by the New York State Department of Environmental Conservation (DEC) is governed by the requirements of the Uniform Procedures Regulations at 6 NYCRR Part 621. The intent of the Uniform Procedures Regulations is to ensure timely review of projects requiring multiple DEC environmental permits. Projects that are also subject to the SEQR regulations must satisfy SEQR requirements before the permit applications reviewed under Part 621 are deemed complete. When the DEC, as the SEQR lead agency, determines that a DEIS is required, the acceptance of the DEIS for public review is a pre-requisite for a complete DEC permit application.

3.4.2 State Environmental Quality Review

This section of the DEIS will provide a brief description and chronology of the key SEQR review steps (e.g., lead agency designation, positive declaration, etc.). Copies of key SEQR determinations and documents will be provided in an appendix to the DEIS.

By way of background, the New York State Environmental Quality Review Act (SEQR) and its implementing regulations at 6 NYCRR Part 617 require agencies to assess the potential environmental impacts of proposed projects during the permitting process. Under SEQR, potentially significant adverse environmental impacts are evaluated in a DEIS.

A DEIS is intended to function as a disclosure document to provide information about the expected environmental impacts of the proposed action and provide a basis for informed decisions. The DEIS identifies and addresses the potential environmental impacts of a project and reasonable alternative, if any, and identifies ways to avoid or mitigate any potential adverse impacts to the maximum extent practicable. Also addressed in a DEIS, are irreversible and irretrievable commitments of resources, growth inducing aspects, and the use and conservation of energy.

The DEIS must be written to a level of detail to properly assess the impacts identified and which allows agencies to make reasoned decisions on the action. Many of the issues will also be reviewed in accordance with the New York State statutory requirements relating to a particular regulatory program (e.g., DEC's mineral resources permit program). In general, the DEIS will follow the content requirements of the SEQR regulations at 6 NYCRR § 617.9(b).

4.0 ENVIRONMENTAL SETTING, SIGNIFICANT ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES TO MINIMIZE ENVIRONMENTAL IMPACTS

The DEIS will describe the environmental setting (existing conditions), potentially significant environmental impacts, and mitigation measures within each of the topic areas identified below. It will also describe those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented. Technical reports supporting the analysis provided in each section shall be included as appendices to the DEIS in Section 12.0.

4.1 EARTH AND NATURAL RESOURCES

Impact on Land – The currently permitted mine includes an approximately 250.6 acre of life-of-mine area, located in the Town of Barrie. As proposed, an approximately 99.7 area within the life of mine is proposed to be used for the excavation of consolidated bedrock material. The reclamation of this area will be as a pond, rather than that of agricultural land.

The DEIS will describe the existing agricultural, and adjacent surface lands, operations, and infrastructure located within the proposed area. An evaluation of permanent conversion of land that has previously been used for agriculture will be provided. The DEIS will also describe any potential measures to mitigate impacts on agricultural lands and operations.

4.2 WATER RESOURCES

4.2.1 Surface Water / Wetlands

Impacts on Surface Water – There are DEC regulated wetlands located to the north and south of the mining area. Water discharges to class A streams at this property. While reclamation will turn the area into a pond, drainage will currently continue thru a permitted SPDES discharge location. Due to the potential impacts to the Class A streams and wetlands, there is potential for impacts associated with this project

The DEIS will describe the existing surface waters located within and adjacent to the proposed modification area and will include discussion of nearby NYSDEC and Federal wetlands, the existing SPDES discharge location its downstream drainage system. An evaluation of the potential short and long-term impacts to surface waters will be provided.

The DEIS will also describe any potential measures to mitigate impacts on surface waters.

4.2.2 Groundwater

Impacts on Groundwater – Dewatering for the mine excavation of the unconsolidated resources would occur during operations and the project area is located over a principal aquifer. Due to the mine dewatering and associated impacts to area groundwater resources, the impacts to groundwater should be considered.

The DEIS will describe the existing groundwater resources located within and adjacent to the modification area. An evaluation of the potential short and long-term groundwater impacts associated with the proposed modification will be provided. The DEIS will examine ways to reduce/avoid the impact and offer mitigation where appropriate. The framework of mitigation strategies (e.g. installing deeper wells, supplied water, modification of pumping depths, etc.) will be provided in the DEIS to address impacts to the groundwater resources at homes and other resources impacted in proximity to the proposed operation. The DEIS will describe the potential impacts, and the measures to avoid and mitigate impacts on groundwater resources.

4.3 AIR RESOURCES

Impacts on Air – New potential air emissions are anticipated for the proposed application. Additionally, the town has expressed concerns related to dust from the operations. Considering the contribution to greenhouse gas emissions and dust, impacts to air resources to be considered.

The DEIS will describe the existing impacts to air resources and changes to those resources as a result of the proposed modification including dust and greenhouse gas emissions. Included should be an inventory of their operations and predicted Pm10 and Pm2.5 levels. The DEIS will also describe any potential measures to mitigate impacts on air resources and specially of the how plans address the NYSDEC Policy CP-33: *Assessing and Mitigating Impacts of Fine Particulate Matter Emissions*.

4.4 IMPACTS ON AGRICULTURAL RESOURCES

Impacts on Agricultural Resources – The facility is located within an agricultural district certified pursuant to Article 25-AA of the NYS Ag. & Markets Law. As proposed action will result in permanent conversion of land that is or has previously been used for agriculture and in a certified agricultural district, the impacts to Agricultural Resources should be considered.

The DEIS will describe the existing agricultural, and adjacent surface lands, operations, and infrastructure located within the proposed area. An evaluation of permanent conversion of land that has previously been used for agriculture and a discussion of the Orleans County certified agricultural district will be provided. The DEIS will also describe any potential measures to mitigate impacts on agricultural lands and operations.

4.5 IMPACT ON TRAFFIC

Impact on Traffic – While all highway truck will continue to use County Route 5/Eagle Harbor Road, due to the potential adverse impacts to traffic (and related debris and dust on the area roadways) there is potential for impacts related to the expanded operations of this project.

The DEIS will describe the existing traffic and changes to the truck traffic a result of the proposed modification. In addition to evaluating changes in overall traffic volume the DEIS will include impacts from tracking/debris onto roadways and dust from traffic. As operations are being added at the facility, the DEIS will detail the controls to maintain/limit traffic volume with the addition of the new operations. The DEIS will also describe any potential measures to mitigate traffic related impacts.

4.6 IMPACT ON NOISE AND VIBRATION

Impact on Noise and Vibration – With the proposed introduction of drilling, blasting and crushing operations at the mine, there is potential for new noise and vibration impacts to neighboring properties.

The DEIS will describe the existing and proposed noise and vibration conditions. An evaluation of the potential short and long-term impacts of blasting and noise will be provided, and how the activities will meet the NYSDEC Program Policy for *Assessing and Mitigating Noise Impacts* (DEP-00-1). The DEIS will describe measures to be taken to assess potential impacts from vibration, and measures to mitigate vibration impacts to neighboring properties and structures. The DEIS will also describe any potential measures to mitigate impacts related to blasting and noise.

5.0 ALTERNATIVES TO THE PROPOSED ACTION

This section of the DEIS will provide an analysis of reasonable alternatives to the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b) (5)(v). These will include evaluation of the following items.

5.1 NO ACTION

A discussion of the no action alternative will be included in the DEIS. Under the no action alternative, the project site would not be developed as a quarry.

5.2 ALTERNATIVE SITES

A discussion of possible alternative sites will be included in the DEIS.

5.3 ALTERNATIVE DESIGN AND TECHNOLOGIES

Alternative site layouts on other portions of the project property will be addressed in the DEIS. A map depicting possible alternative layouts as well as a discussion on the benefits and disadvantages of each alternative will be provided in the DEIS.

5.4 SIZE

Alternative project sizes will be examined in the DEIS. The benefits and disadvantages of the alternative quarry orientation and a map depicting the alternatives will be provided.

5.5 ALTERNATIVE SCHEDULE

A discussion of possible alternative schedules will be included in the DEIS.

6.0 SHORT-TERM AND LONG-TERM IMPACTS, CUMULATIVE IMPACTS AND OTHER ASSOCIATED ENVIRONMENTAL IMPACTS

This section of the DEIS will provide an analysis of reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts associated with the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b)(5)(iii).

7.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section of the DEIS will provide an analysis of the irreversible and irretrievable commitment of resources associated with the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b)(5)(iii).

8.0 GROWTH INDUCING ASPECTS

This section of the DEIS will provide an analysis of any growth inducing aspects of the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b)(5) (iii).

9.0 EFFECT ON THE USE AND CONSERVATION OF ENERGY

This section of the DEIS will provide an analysis of the effect on the use and conservation of energy of the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b)(5)(iii) and the Department's policies related to Climate Leadership and Community Protection Act.

10.0 TABLES AND FIGURES

11.0 REFERENCES

This section of the DEIS will include all reference information.

12.0 APPENDICES

Appendices will include materials not suitable for insertion in the main body of the DEIS, including key SEQR documents, technical reports, the mined land reclamation permit application materials, including the Mined Land-Use Plan.

State Agencies		
Agency	Permit/Interest	Applicable Law/Regulation
NYSDEC	Mined Land Reclamation	ECL 23-2701
NYSDEC	Water Withdrawal Permit	6 NYCRR Part 601
NYSDEC	SPDES Multi-Sector General Permit for Stormwater	6 NYCRR Part 750
NYSDEC	Air Facility Registration	6 NYCRR Part 201
NYS DEC	Freshwater Wetlands	6 NYCRR Part 663, Part 664, and Part 665
Federal Agencies		
Agency	Permit/Interest	Applicable Law/Regulation
NA	NA	NA
Local Government		
Agency	Permit/Interest	Applicable Law/Regulation
Town of Barre	Special Use Permit	Local

Table 1. Required Project Approvals