

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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www.dec.ny.gov

February 9, 2018

Via E-mail (shelbystone585@gmail.com) and US Mail

Thomas Biamonte
Shelby Crushed Stone, Inc.
10830 Blair Road
Medina, New York 14103

RE: Phase III Archaeological Data Recovery – Area C
Town of Shelby, Orleans County
DEC Permit No. 0-3436-00007/00001
MLR No. 80346

Dear Mr. Biamonte:

The above-referenced permit issued by the New York State Department of Environmental Conservation (DEC) on December 24, 2014 approved a modification of the mine to include a 7-acre expansion, known as Area C.

To address impacts to cultural resources in Area C, the approval process included execution of a Letter of Resolution between Shelby Crushed Stone, Inc., the DEC, and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The evaluation of this site and the development of the Letter of Resolution was also prepared in consultation with the Seneca Nation of Indians and the Tonawanda Seneca Nation.

The issued Mined Land Reclamation permit requires Shelby Crushed Stone, Inc. to comply with the terms and conditions of the Letter of Resolution, which was also included as an attachment to the permit. Under these terms, approval of the Phase III data recovery report is required by DEC and OPRHP. A report dated January 2017 was provided to the DEC and OPRHP, entitled "Phase III Archaeological Data Recovery, Area C, Proposed Shelby Crushed Stone Quarry Expansion, Town of Shelby, Orleans County, New York." It is identified as OPRHP File 13PR0334.

OPRHP has reviewed the report and indicated in their letter to the DEC dated March 1, 2017 that they have no comments or concerns regarding the report (copy attached). The DEC Agency Preservation Officer, Charles Vandrei, has also reviewed this report and concurs with the letter from OPRHP. The DEC has no comments or concerns regarding the Phase III report.

This concurrence satisfies the Phase III report review requirements of the Letter of Resolution and Mined Land Reclamation permit. Shelby Crushed Stone, Inc. must now comply with any remaining provisions of the Letter of Resolution as activities authorized under the permit proceed.

By copy of this letter we are also informing the Seneca Nation of Indians and Tonawanda Seneca Nation of this determination.



Department of
Environmental
Conservation

If you have any questions regarding the information contained in this letter please contact me at 585-226-5382.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Enclosure: OPRHP Letter Dated March 1, 2017

Ecc (w/enclosure):

Steve Army, DEC, Region 8
Dan Sek, DEC, Region 8
Charles Vandrei, DEC, Albany
David Witt, DEC, Albany
Nancy Herter, OPRHP
Dean Herrick, Geologist
Morris Abrams, THPO, Seneca Nation
Jay Toth, Tribal Archaeologist, Seneca Nation
Chief Roger Hill, Tonawanda Seneca Nation



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 1, 2017

Mr. Matt Griffiths
Environmental Analyst 1
NYS DEC
6274 East Avon - Lima Road
Avon, NY 14414

Re: DEC
Shelby Crushed Stone, 7 acre Mine Expansion
Town of Shelby, Orleans County
13PR00334

Dear Mr. Griffiths:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the *Phase III Archeological Data Recovery, Area C Proposed Shelby Crushed Stone Quarry Expansion Report*, prepared by Columbia Heritage and dated January 2017, in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

Based on this review, the OPRHP has no further comments or concerns regarding the Phase III archaeology data recovery fieldwork or report.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator
e-mail: nancy.herter@parks.ny.gov