

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 8

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May 27, 2021

Via US Mail and email

Thomas Biamonte  
Shelby Crushed Stone Inc  
10830 Blair Road  
Medina, NY 14103

RE: SEQR - Final Scoping Document  
Shelby Crushed Stone – Medina Mine (Mine ID #80346)  
Application ID: 8-3436-00007/00001  
Mined Land Reclamation and Freshwater Wetland Applications  
Town of Shelby, Orleans County

Dear Involved or Interested Agency or Resident:

We are hereby providing a copy of the final written scope to the project sponsor, all involved and interested agencies. The Department did not receive any comments during the comment period for the Draft scope.

The project sponsor, Shelby Crushed Stone Inc. will be preparing a Draft Environmental Impact Statement (DEIS) pursuant to this final scoping document and the SEQR regulations. Upon receipt of this document, the Department will determine if the DEIS is adequate. Once it has determined that the DEIS prepared by a project sponsor is adequate for public review, the lead agency will determine whether or not to conduct a public hearing concerning the action.

Should you have questions, feel free to contact me at (585)226-5396.

Sincerely,

Robert B. Call  
Deputy Regional Permit Administrator

Enc : Final Scope

Ecc:  
Town of Shelby - J. Smith, Supervisor  
USACE – Buffalo Regulatory Office (Ecc)  
S. Livingstone, Earth Dimensions (Ecc)  
D. Sek, NYSDEC - MLR (Ecc)  
S. Army, NYSDEC - MLR (Ecc)  
T. Haley, NYSDEC - Regional Permit Administrator (Ecc)  
D. Loew, NYSDEC – OGC (Ecc)  
File

# STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

## DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) SCOPING OUTLINE

Shelby Crushed Stone – Medina Mine (Mine ID #80346) – Expansion  
DEC No. 8-3436-00007/00001, Mined Land Reclamation No. 80346

May 27, 2021

### BACKGROUND

The currently permitted limestone/dolostone mine includes an approximately 106 acre of life-of-mine area, located in the Town of Shelby. As proposed, an approximately 14.8 area expansion area is proposed to be used for the excavation of consolidated bedrock material. The expansion area consists of 8.69 acres of state and federal jurisdictional wetlands and 6.11 acres of state regulated 100-foot adjacent area. No changes to the method or manner of mining are proposed. According to the application, no modifications to the operations of the mine are proposed, nor are any necessary for the proposed expansion.

This scoping document is being developed by the New York State Department of Environmental Conservation (DEC) for the purpose of preparing a Draft Environmental Impact Statement (DEIS) for the proposed expansion. As the Lead Agency designated pursuant to the New York State Environmental Quality Review Act (SEQR), the DEC classified the proposal as a SEQR Type I action and issued a positive declaration for the proposed expansion on September 16, 2020 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 scoping document is being prepared in accordance with the SEQR regulations at 6 NYCRR § 617.8. Public input was gathered on the draft scope during a written comment period. Before finalizing the scoping document, no public input was received on the draft scope.

The scope of the DEIS for the Shelby Crushed Stone – Medina 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 public and agency comments.
- 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 Purpose and Need for the Proposed Action.** The DEIS will identify and discuss the purpose, 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 provide in a table, and this table may be revised as additional information is obtained in the course of the scoping process. A draft of Table 1.0 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 11.0

## **4.1 Earth and Natural Resources**

### **4.1.1 Lands - Wetland Resources**

The DEIS will describe the land and biota resources within the expansion area. An evaluation of the potential short and long-term impacts to the land and biota resources within the proposed expansion area (with an emphasis on the federal and state regulated wetland habitat, stream and associated biota) will be provided.

The DEIS will also describe any potential measures to mitigate impacts on Wetland Resources.

### **4.1.2 Lands - Wetland Resources (adjoining)**

The DEIS will describe the freshwater wetland resources located adjoining proposed expansion area, with an emphasis on the federal and state regulated wetlands. An evaluation of the potential short and long-term impacts to the adjoining wetland habitat and biota will be provided. Considerations are to include consider the potential of cumulative impacts of any future southern expansion and potential measures to mitigate such impacts.

The DEIS will also describe any potential measures to mitigate impacts on the adjoining Wetland Resources.

### **4.1.3 Agricultural Resources**

The DEIS will describe the existing agricultural, and adjacent surface lands, operations, and infrastructure located within the proposed expansion area. An evaluation of permanent conversion of land that has previously been used for agriculture and in a certified agricultural district 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**

The DEIS will describe the existing surface waters located within the proposed expansion area, which includes a Class C stream that is to be relocated. 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**

The DEIS will describe the existing groundwater resources located within the proposed expansion area. An evaluation of the potential short and long-term groundwater impacts of the expansion of mining will be provided.

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

### **4.3 Community Resources**

#### **4.3.1 Noise**

The DEIS will describe the changes to the mine footprint and noise. An evaluation of the potential short and long-term impacts of blasting and noise will be provided.

The DEIS will also describe any potential measures to mitigate impacts related to Blasting and Noise.

#### **4.3.2 Community Character**

The DEIS will describe the historic and heritage resources at the site. The project is located with Orleans County, which has been designated as part of the West Erie Canal Heritage Corridor and the Shelby Fort site on the Property. The area is mapped as being archeologically sensitive. An evaluation of the potential short and long-term impacts on community character, including historic and heritage resources.

The DEIS will also describe any potential measures to mitigate impacts on public infrastructure.

## **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:

- 5.1 No Action**
- 5.2 Alternative Sites**
- 5.3 Alternative Design and Technology**
- 5.4 Alternative Size**
- 5.5 Alternative Schedule**

**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 COMMITTEMENT 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 ENGERY**

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).

**10.0 TABLES AND FIGURES**

**11.0 REFERENCES**

**12.0 APPENDICES**

Appendices will include materials not suitable for insertion in the main body of the DEIS, and shall include key SEQR documents, technical reports, the mined land reclamation permit application materials (including mined land use plan).

**Table 1.0 Draft**

<b>State Agencies</b>		
<b>Agency</b>	<b>Permit/Interest</b>	<b>Applicable Law/Regulation</b>
NYS DEC	Mined Land Reclamation	ECL 23-2701
NYS DEC	Freshwater Wetlands	6 NYCRR Part 663, Part 664, and Part 665
NYS DEC	SPDES Multi-Sector General Permit for Stormwater	6 NYCRR Part 750
NYS DEC	Section 401 of Clean Water Act	6 NYCRR Part 608, Section 401 of Clean Water Act
<b>Federal Agencies</b>		
<b>Agency</b>	<b>Permit/Interest</b>	<b>Applicable Law/Regulation</b>
USACE	Wetlands	
<b>Local Government</b>		
<b>Agency</b>	<b>Permit/Interest</b>	<b>Applicable Law/Regulation</b>
Town of Shelby	Interested Agency	