
State Environmental Quality Review

Combined Notice of Complete Application, Notice of Acceptance of Draft Environmental Impact Statement, Notice of Public Hearing and Public Comment Period

Name of Action: Eagle Harbor Sand & Gravel, Inc. – Eagle Harbor Mine

Date: January 17, 2024

Applicant:

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

Location:

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.

NYSDEC Applications and ID Numbers:

Article 23, Mined Land Reclamation, DEC #8-3422-00003/00001 (MLR#80171)

Article 15, Water Withdrawal, DEC #8-3422-00003/00003

Project Description:

Eagle Harbor Sand and Gravel, Inc. has applied to the New York State Department of Environmental Conservation (NYS DEC) to modify their mined land use plan/mined land reclamation permit and issue a new Water Withdrawal permit which will allow the excavation of consolidated bedrock material from an approximately 100-acre area within the existing approximately 250.6 acre of life-of-mine area. The permitted depth of mine is proposed to be increased approximately 30-35 feet to 80-100 feet, and a portable crushing plant will be added to crush the dolostone prior to feeding it into the existing processing plant. The Water Withdrawal request is associated with dewatering the bedrock mining area, with water discharges to be made under a SPDES Multi-Sector General Permit for Stormwater. Existing sand and gravel operations will continue, and operations will be modified to include drilling blasting and crushing to support the bedrock mining.

State Environmental Quality Review Act (SEQR):

The project is a Type I Action as designated by 6 NYCRR §617.4(b)(6)(i). NYS DEC, as the SEQR lead agency, issued a positive declaration on **September 10, 2021**, requiring preparation of a Draft Environmental Impact Statement (Draft EIS). A Draft EIS has been prepared and NYS 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 March 1, 2024.** In addition, pursuant to 6 NYCRR §617.9(a)(4), NYS 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:

NYS DEC has determined that the Mined Land Reclamation (ECL Article 23) permit modification and Water Withdrawal (ECL Article 15) permit application filed for the proposal are complete for purposes of further NYS DEC review and public comment pursuant to 6 NYCRR §621.7. **As noted further below, written public comments will be accepted on the applications until March 1, 2024.**

Additional Regulatory Provisions:

State Historic Preservation Act (SHPA) Determination: The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

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, is available for public review at the locations listed below during normal business hours, and on the internet at the website listed below:

In-Person Review:
NYDEC - Region 8 Office
6274 East Avon Lima Road
Avon, NY 14414

Town of Barre - Town Hall
14317 West Barre Road
Albion, NY 14411

On-line for viewing and downloading at:
<https://bearbibs.wixsite.com/shelbystone/proposed-expansion>

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act; "SEQR") of the Environmental Conservation Law, and pursuant to Part 621 of the implementing regulations pertaining to Article 70 (New York State Uniform Procedures Act; "UPA") of the Environmental Conservation Law.

The NYS Department of Environmental Conservation (DEC), as lead agency, has accepted a Draft Environmental Impact Statement (Draft EIS) for the proposed action. In addition, DEC has determined that a virtual legislative public comment hearing will be held on Thursday, February 15, 2024 at 6:00 p.m. to accept unsworn, oral comments on the Draft EIS, and the Article 23 Mined Land Reclamation and Article 15 Water Withdrawal permit applications. Written comments on the Draft EIS and Permit Application will be accepted by the Department until March 1, 2024.

Legislative Public Hearing:

On February 15, 2024, at 6:00 p.m., a virtual legislative public comment hearing will be held before Administrative Law Judge (ALJ) Daniel P. O'Connell. At the virtual legislative public comment hearing, Judge O'Connell will receive unsworn statements from the public on the permit applications and the Draft EIS. 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. The ALJ may restrict the time available to ensure that all persons will have an opportunity to be heard. It is recommended that lengthy comments be submitted in writing. Written comments regarding these applications may also be filed with Regional Permit Administrator as indicated below. Equal weight will be given to both oral comments recorded at the hearing and written comments.

To register electronically: Persons who will login to the hearing electronically must register. To register, visit <https://meetny.webex.com/weblink/register/r698dc292fc9509df6b6d8e00c9c26e51>.

You will be asked whether you wish to make a public statement. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

On the appropriate date and time of the hearing, participants should visit <https://www.webex.com>, click "Join a meeting" at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to "select audio system." It is recommended that participants choose to have the system "call me" or "call using computer." The "call me" option will require participants to enter their phone numbers.

To register by telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants must register to speak in advance by calling the Department at 518-402-9003 no later than February 5, 2024. Please provide your first and last name, address, email address if any, and telephone number and reference the Subpart 352-1 public comment hearing.

On the day and time of the hearing, use the phone access phone number, (518) 549-0500, and the appropriate access code listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. Speakers will be called in the order they registered, with elected officials being called first. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record.

To participate in the virtual hearing sessions on February 15, 2024, please use the following Webex details:

Eagle Harbor Hearing

Date and time: Thursday, February 15, 2024, 6:00 p.m. | (UTC-05:00) Eastern Time (US & Canada)

Register link: <https://meetny.webex.com/weblink/register/r698dc292fc9509df6b6d8e00c9c26e51>

Join by phone

+1-518-549-0500 US (English Menu)

+1-518-549-0059 US (Menú en Español)

Access code: 161 857 8159

Persons who wish to receive the instructions by mail or telephone may contact the NYS DEC Office of Hearings and Mediation Services by telephone at (518) 402-9003 or by email to ohms@dec.ny.gov. Please provide your first and last name, address, and telephone number and reference the Eagle Harbor Mine public comment hearing.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be received 10 calendar days before the meeting (Monday, February 5, 2024). Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (language@dec.ny.gov).

Written Public Comments:

All interested parties may submit written comment concerning the Draft EIS and permit applications at the hearing, and to the NYS DEC Contact Person listed below by March 1, 2024.

Comments sent by regular mail must be postmarked no later than March 1, 2024. E-mail and Fax comments must be received by 5:00 p.m. (EDT), March 1, 2024. If sending comments via email, please include "Eagle Harbor Mine" in the email subject line.

Primary Contact

Contact Person: Robert B. Call, Deputy Regional Permit Administrator
Address: NYSDEC Region 8
6274 East Avon-Lima Rd
Avon, NY 14414

Phone Number: 585-226-5400
Email: DEP.R8@dec.ny.gov

Distribution:

Involved Agencies (with Draft EIS)

Town of Barre - Town Board (with electronic copy of dEIS)
Supervisor Sean Pogue, Town of Barre (with electronic copy of dEIS)

Interested Agencies (Notice Only)

John Papponetti, Orleans County Department of Public Works

Cc:

T. Biamonte - Eagle Harbor Sand and Gravel, Inc.
B. Milliman - Strategic Mining Solutions LLC (Ecc)
D. Sek, NYSDEC - MLR (Ecc)
T. Haley, NYSDEC - Regional Permit Administrator (Ecc)
C. Hale, NYSDEC – OGC (Ecc)
D. O'Connell, NYSDEC – OHMS (Ecc)
File