

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

DEC Project Number: 5-4126-00010/00002
Mined Land Reclamation Number: 50364

Date: December 11, 2008

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The New York State Department of Environmental Conservation, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be required.

Name of Action: Review of a mined-land reclamation permit application submitted by Palette Stone Corporation.

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: The applicant proposes to expand their currently permitted +/-84.5-acre Life of Mine (LOM) sand and gravel mine to include an additional 40.5 acres of reserves located on an adjacent parcel owned by the applicant, to total a LOM of +/-125 acres. The mine will continue to operate as a traditional surface opening extraction of sand and gravel by means of mechanical excavating, standard for this type of mining operation. All aspects of the mining operation will remain as existing. The modification consists of a request to expand the mine to the west, and also reduce the currently permitted LOM by 2.1 acres. Mining will begin at the north and east central portions of the expansion area, and proceed southerly and westerly toward the LOM boundaries. No changes to mining methods, or rates of production are included in this modification. Final reclamation will be to upland grassland. Upland reclamation will include the replacement of stockpiled topsoil, and reseeding with an approved warm season seed mixture.

Location: Lands of Palette Stone Corporation, located on the west side of Chapman Street, north of School Street, directly northwest of their intersection. The project is located in the Town of Corinth, Saratoga County.

Reasons Supporting This Determination: Pursuant to State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR Part 617.7, Department staff have reviewed the Environmental Assessment Form (EAF), the mining and reclamation plans and maps, and have made the determination that this project will not result in significant, adverse environmental impacts and that a permit, with conditions, can be issued.

As Lead Agency, the Department has concluded that the mining and reclamation plans have been prepared, and where necessary, revised to avoid, minimize or mitigate to the extent practicable, adverse environmental impacts potentially associated with the project. After a full review of the application, the Department is satisfied that the requirements of ECL Article 8-0109 have been met. The following was relied upon in reaching this determination:

Reasons Supporting This Determination (Continued):

SOIL: There will be a permanent alteration to the existing topography within the expansion area, affected by mining from the removal of sand and gravel over the 40.5 acre LOM expansion area. This impact is unavoidable because of the progressive, consumptive nature of mining, however this impact is not necessarily significant or adverse. It is the public policy of New York State to support and foster the mining and minerals industry, and the alteration of affected land, properly reclaimed, is an acceptable impact. Topsoil will be removed and stockpiled for the purpose of reclamation. A reclamation bond in an amount adequate to reclaim all affected land within the Life of Mine area will be on file with the Department before any permit issuance decision is made, and will continue to be held in whatever amount is deemed necessary by the Department, over the entire operation life of the mine.

The mine is not within an agricultural district certified pursuant to Article 25-AA of the NYS Ag. & Markets Law and there will be no significant loss of agricultural production on prime or important soils as classified by the NYS Agricultural Land Classification System. The LOM expansion area is located within steep woodlands.

Final reclamation will create an open grassland. Affected lands will be suitably prepared for the replacement of subsoil and topsoil. Affected areas will then be graded, stabilized and re-vegetated with an approved SCS seed mix, at a rate and planting schedule which will maximize germination and establish permanent vegetation.

WATER: There will be no loss or adverse impacts to either the quantity or quality of ground or surface waters from the expansion of mining at this site. There are no proposed changes to the consumption and use of water on the site

Mining will not occur below the local water table. The seasonal high groundwater elevation is slightly higher in the expansion area as compared to the existing LOM. The final mine floor has been adjusted in the expansion area accordingly. Test pit will be dug periodically to verify the high water elevation in the expansion area in order to establish the final pit floor elevation. Storm water generated on, or running across the pit will be retained within the LOM. The excavation is below the existing topography, and all runoff is directed and controlled within the mine and eventually percolates into the ground. There are two DEC-regulated streams located on the property, and there are no disturbances proposed to these streams. Both streams are outside of the LOM.

There will be no storage of fuel or other petroleum products on the site which will minimize the potential for ground water contamination from these sources.

TRAFFIC, NOISE & DUST: There will be no significant adverse impacts from these aspects of the mining operation. The mine site is in a rural, agricultural setting with low residential density. There is no proposed change in the level of truck traffic in this modification. The mine will continue to operate as an extraction of materials to be used as market demand warrants.

There will be minimal impacts from dust from mining in the expansion area. Current practices of using water spray or an equivalent to control dust at the processing equipment will continue. Dust generated from equipment and truck movement will be controlled by spraying water on haul roads and material stockpiles as needed. Permit conditions will require dust control initiatives to prevent dust from leaving the site.

Noise impacts from this facility will be effectively minimized by the application of appropriate Best

Reasons Supporting This Determination (Continued):

Management Practices including properly muffled equipment, directional sound reversing backup alarms, by utilizing the mine faces to produce a “noise shadow” for operations within the pit, strategically-placed overburden berms and stockpiles, and the retention of existing surrounding vegetation to maintain noise attenuation.. Additionally, the mine plan states that the mining operations will occur on a cyclic basis. That is, equipment that is not engaged in work will be turned off. The mine will operate on normal commercial business schedule, unchanged from current operations.

No new emission sources are proposed as a result of this expansion. Any air emissions from this facility will comply with all requirements of State and Federal law.

CULTURAL/VISUAL RESOURCES: The project is not within an area shown on the Statewide Archaeological Inventory Map has having the potential for significant cultural or archaeological resources. No further review in accordance with SHPA is required.

There will be minimal visual impact from the development and operation of the mine. The mine site is in a rural/agricultural setting with low residential density. The elevation of the mine below surrounding grades coupled with the earthen berms faced with trees will minimize views of the mine. The majority of the mining operation will occur behind a mine face below the existing topography, which will further reduce visual impacts.

FISH AND WILDLIFE: There will be no significant adverse impact to wildlife species within the expansion area. Habitat values are presently minimal due to the site's current mining and ancillary use, and from marginal habitat cover-types on the site. There will be some disruption and dislocation of wildlife species and loss of existing habitat during the operational life of the mine. This impact is unavoidable because of the human intrusion, equipment operation, stripping of vegetation and topsoil and excavation of limestone which is inherent to consumptive mining. Reclamation to stabilized, revegetated upland will restore some habitat values.

There will be no impact to any aquatic resources from the development and operation of the mine. There are no aquatic or fisheries resources, or threatened or endangered plant or animal species known within the project area.

LAND USE PLANNING & ZONING: Local land use planning and land use decisions are at the discretion of local government. DEC jurisdiction over mining does not preclude the Town's rights to plan and regulate land use development. As it relates to other land use impacts, the Department finds that significant, long term adverse impacts are unlikely should this mine be developed as proposed and mining activities proceed under a valid mining permit. Land affected by surface mining in the production of saleable aggregate products, in compliance with the policies and regulations of the MLRL, does not inevitably result in the elimination of future beneficial uses for that land. The enforcement of the MLRL permit, which includes an adequate reclamation bond held by the Department over the entire operational life of the mine, and the approved final reclamation, further ensures that the long term impact of mining at this site will not result in adverse impacts.

The property and surrounding lands are predominantly agricultural and residential The Town will be a participant in the coordinated review of this project and will be able to recommend conditions regarding property line setbacks, access barriers, dust control, and hours of operation for inclusion in the Department's approval.

Reasons Supporting This Determination (Continued):

OTHER: This application review and significance determination is only for the new 125-acre LOM area included in this application. Any future modification which, in the judgement of the Department, results in a material change in the environmental conditions at the site, or in the scope of the permitted activity or would require one or more changes to any MLRL permit conditions will be considered a new application and will be reviewed pursuant to all applicable regulations.

For Further Information:

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Regional Office of NYS DEC
Chief Executive Officer
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