NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Environmental Permits, Region 6
207 Genesee Street, Utica, NY 13501-2885
P: (315) 793-2554  F: (315) 793-2748
www.dec.ny.gov

April 27, 2021

Town of Forestport
Attn: T.J. Entwistle, Supervisor
10275 State Route 28, PO Box 137
Forestport, New York 13338

RE:  Lead Agency Designation
DEC Application #6-3038-00081/00003
White Lake Granite Quarry
Town of Forestport, Oneida County

Dear Mr. Entwistle:

New York State Department of Environmental Conservation (DEC) has received the enclosed mining application for a granite mine. This is a Type I Action under 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and a Lead Agency must be established. The application is considered incomplete at this time (see attached Incomplete Notice and request for additional information). All future correspondence received will be sent to you for review.

DEC requests that it be the Lead Agency for this proposal. This request is based on the state Mined Land Reclamation Law. Title 27 of The Mined Land Reclamation Law (6NYCRR Part 420) establishes that this title supersedes all other state and local laws relating to the extractive mining industry provided, however, that nothing in this title shall be construed to prevent any local government from:

a. enacting or enforcing local laws or ordinances of general applicability, except that such local laws or ordinances shall not regulate mining and/or reclamation activities regulated by state statute, regulation, or permit;

b. enacting or enforcing local zoning ordinances or laws that determine permissible uses in zoning districts. Where mining is designated a permissible use in a zoning district and allowed by special use permit, conditions placed on such special use permits shall be limited to the following:

   (i) ingress and egress to public thoroughfares controlled by the local government;

   (ii) routing of mineral transport vehicles on roads controlled by the local government;

   (iii) requirements and conditions as specified in the permit issued by the DEC under this title concerning setbacks from property boundaries and public thoroughfare right-of-way, natural or man-made barriers to restrict access; if required, dust control and hours of operation.
Since state statute supersedes local requirements regarding the regulation of mining, DEC is requesting Lead Agency designation for the coordination of review in accordance with the requirements of SEQRA. If the town has no objection to this request, please endorse this letter in the space provided below; and return a copy to this office. The town has 30 days from this date to respond to this request; after which, I will assume the town has no objection. If the town has no objection to this request and can respond sooner, I will be able to proceed with public notice requirements in a timelier manner.

The town of Forestport agrees ____, disagrees ________, that the New York State Department of Environmental Conservation will be the Lead Agency for the subject application. If you disagree, please sign and return this letter along with the attached form and all required supporting documentation.

[Signature]
Supervisor

4/13/21
Date

If you have any questions regarding this letter, please call me at your earliest convenience.

Sincerely,

Zachary Goodale
Zachary Goodale
Environmental Analyst
Region 6 – Utica
(315) 235-0331

Enclosure

cc: Chris Lucidi – Mined Land Reclamation Program Supervisor
Andrew Abbott – Mining
Terry Tyoe - Permits
June 16, 2021

Town of Forestport
Attn: T.J. Entwistle, Supervisor
10275 State Route 28, PO Box 137
Forestport, New York 13338

RE: Lead Agency Designation
DEC Application #6-3038-00081/00003
White Lake Granite Quarry
Town of Forestport, Oneida County

Dear Mr. Entwistle:

I previously sent you a letter dated April 27, 2021 regarding Lead Agency designation for the above referenced application. At that time, it was our belief that this application would be classified as a Type I action under 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and that a Lead Agency must be established. Since that time, it was brought to our attention that per 6 NYCRR Part 617.5 (c) (45) the action is considered Type II and a Lead Agency need not be established.

6 NYCRR Part 617.5 (c) (45) states:

“Actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law.”

Please be assured that DEC and APA will be working closely together on review of the application and that you will continue to receive all future correspondence related to that review.

As previously stated, Title 27 of The Mined Land Reclamation Law (6NYCRR Part 420) establishes that this title supersedes all other state and local laws relating to the extractive mining industry provided, however, that nothing in this title shall be construed to prevent any local government from:

a. enacting or enforcing local laws or ordinances of general applicability, except that such local laws or ordinances shall not regulate mining and/or reclamation activities regulated by state statute, regulation, or permit;
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(iii) requirements and conditions as specified in the permit issued by the DEC under this title concerning setbacks from property boundaries and public thoroughfare right-of-way, natural or man-made barriers to restrict access; if required, dust control and hours of operation.

If you have any questions regarding this letter, please call me at your earliest convenience.

Sincerely,

Zachary Goodale
Environmental Analyst
Region 6 – Utica
(315) 235-0331

Enclosure

cc: Chris Lucidi – Mined Land Reclamation Program Supervisor
    Andrew Abbott – Mining
    Terry Tyoe - Permits