



M E M O R A N D U M

TO: Agency Members and Designees

FROM: Terry Martino, Executive Director

DATE: August 6, 2014

RE: Regulatory Programs Committee Agenda

- (1) Approval of Draft Committee Minutes for July 2014
- (2) Deputy Director of Regulatory Programs Report (R. Weber)
- (3) Two related projects reviewed concurrently including:
 - a) Project 2013-138 for the Seventy Road Mine; and, b) Permit Amendment 96-76MR3 for the Oak Hill Mine. The proposed modifications to the Seventy Road facility involve a material change to Permit 99-91 and its amendments. The proposed modifications to the Oak Hill facility involve an amendment to Permit 96-76 and its amendments.

a) <u>Project</u> 2013-138 (T. Saehrig)	NYCO Minerals, Inc. (Seventy Road) Town of Lewis: Essex County Rural Use and Industrial Use Latitude: <u>44.298799</u> Longitude: <u>-73.616099</u>
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Jurisdictional Predicates: The project requires an Agency permit pursuant to Sections 809(2)(a) and 810(1)(f)(1) of the Adirondack Park Agency Act [Executive Law, Article 27], as a mineral extraction on Industrial and Rural Use lands. The project is a regulated activity requiring a wetlands permit pursuant to 9 NYCRR Section 578.2 and Section 578.3(n)(1)(ii), as it involves excavation in a wetland.

Project Status/Time Clock:

1. Completion Date: March 17, 2014
2. Public Comment Period Expires: April 17, 2014
3. 60-Day Clock: August 22, 2014
4. 90-Day clock: August 22, 2014

Description of the project: NYCO Minerals, Inc. ("NYCO") requests amendments to existing Agency permits for NYCO's Seventy Road and Oak Hill mining facilities. These modifications include the following:

1. Increase the permitted excavation limit by 14.9 acres, from 54.1 acres to 69.0 acres.
2. Increase the permitted "Affected Area" by 42.5 acres, from 89.9 acres to 132.4 acres.
3. The proposed excavation area will impact approximately 1.06 acres of wetlands and a wetland mitigation area approximately 2.2 acres in size will be constructed at NYCO's Oak Hill mine facility.
4. Increase the hours of operation during the mining season (April 1 through November 30) Monday through Friday from 7:30am to 5:30pm to Monday through Friday from 7 am to 6 pm.
5. Coordinate water quality monitoring with NYSDEC.
6. Allow for the trucking of aggregate/overburden/caprock (new authority) from the Seventy Road facility, with no increase, or route changes, in the number of daily truck trips.

RECOMMENDATION: Approve with conditions

EPS: T. Saehrig

ATTORNEY: S. Reynolds

RASS: M. Rooks and S. Lalonde

ECONOMIC SERVICES: D. Kelleher

(3) (b) Project NYCO Minerals, Inc. (Oak Hill)
96-76MR3 Town of Lewis, Essex County
(T. Saehrig) Industrial Use, Moderate Intensity Use,
Rural Use and Resource Management
Latitude: 44.302232 Longitude: -73.583746

Jurisdictional Predicates: Pursuant to Sections 809(2)(a) and 810(1)(f)(1) and (2), 810(1)(b)(11), 810(1)(d)(12), 810(1)(e)(12), and 810(2)(e)(2) of the Adirondack Park Agency Act and 9 NYCRR Part 578, the Agency issued Permit 96-76 authorizing a mineral extraction (wollastonite and "aggregate,") mineral extraction structures, and an industrial use on a site classified as Industrial Use, Moderate Intensity Use, Rural Use, and Resource Management by the Official Adirondack Park Land Use and Development Plan Map and containing wetlands.

Project Status/Time Clock:

1. Completion Date: July 22, 2014
2. Public Comment Period Expired: July 16, 2014
3. 60-Day Clock: August 22, 2014
4. 90-Day Clock: August 22, 2014

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Description of the project: This authorization renews the mineral extraction project for an additional five years and amends the project to allow: 1) transportation of up to 100 truckloads per day of aggregate from the project site to the Graymont facility; 2) the creation of 2.12± acres of wetland as mitigation for approximately 1.06± acres of wetland loss at the NYCO Seventy Road facility. In addition, modifications to a culvert in Patterson Creek are authorized as a mitigation for impacts to an unnamed tributary at the Seventy Road facility.

RECOMMENDATION: Approve with conditions

EPS: T. Saehrig

RASS: M. Rooks and S. Lalonde

ATTORNEY: S. Reynolds

Project

(4) 2014-100 The Lyme Timber Company
(A. Ziemann) Town of Tupper Lake: Franklin County
Resource Management, Low Intensity
Moderate Intensity
Latitude: 44.257865 Longitude: -74.521728

Jurisdictional Predicates: Pursuant to Sections 809(2)(a) and 810(1)(b)(9), 810(1)(c)(9), 810(1)(e)(11) of the Adirondack Park Agency Act and 9 NYCRR Park 573.7 timber harvesting involving a proposed clearcutting of a single unit of land of more than twenty-five acres in size in an area classified Moderate Intensity Use, Low Intensity Use and Resource Management, a Class A regional project.

Project Status/Time Clock:

1. Completion Date: July 14, 2014
2. Comment Period Expires: August 7, 2014
3. 45-Day Clock: August 28, 2014
4. 60-Day Clock: September 12, 2014

Description of the project: Forest management consisting of thinning, shelterwood removal and salvage harvests on a 642 acre portion of a 4,100 acre parcel, jurisdictional under the Agency's timber harvesting regulations. The proposed treatments are designed to remove poor quality trees in all size and age classes, while encouraging re-generation of a diverse group of tree species including Yellow Birch, Black Cherry, White Ash and Sugar Maple.

RECOMMENDATION: Approve with Conditions

EPS: A. Ziemann RASS: A. Ziemann, S. Lalonde and M. Rooks

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(5) Variance Town of Wilmington
 2014-80 Town of Wilmington, Essex County
 (T. Darrah) Hamlet
 Latitude: 44.384661Longitude: -73.823023

Jurisdictional Predicates: Section 809 of the Adirondack Park Agency Act.

Project Status/Time Clock:

1. Completion Date: n/a
2. Public Comment Period Expires: July 23, 2014
3. 60-Day Clock: September 6, 2014
4. 90-Day clock: September 21, 2014

Description of the variance: The request is for a 50-foot variance from the 50-foot shoreline setback from the West Branch AuSable River for the construction of a 24 foot by 31 foot accessible fishing deck with railing extending approximately 7 feet over the mean high water mark of the AuSable River

Recommendation: Approve variance with Conditions

EPS: T. Darrah ATTORNEY: S. Brewer
RASS: S. Lalonde

(6) Old Business

(7) New Business

TM:REW:CCP:mlr

Regulatory Committee Members

S. Craig (Committee Chairperson)
R. Booth
A. Lussi
D. Scozzafava (DOS)