


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2016-0052A</p>
<p>In the Matter of the Application of SEAWAY TIMBER HARVESTING, INC. for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 15, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: 1. Seaway Timber Harvesting, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a commercial sand and gravel extraction in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Hopkinton, St. Lawrence County.

This authorization shall expire unless recorded in the St. Lawrence County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the St. Lawrence County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 66.4±-acre parcel of land located on Lake Ozonia Road in the Town of Hopkinton, St. Lawrence County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Hopkinton Tax Map Section 80.001, Block 1 as Parcel 16, and is described in a deed from Lassiter Properties, Inc. to Seaway Timber Harvesting, Inc., dated October 1, 2001, and recorded October 5, 2001 in the St. Lawrence County Clerk's Office under Instrument ID # 2001-00017975.

The project site is improved by an existing commercial sand and gravel extraction as authorized by Agency Permit 2016-0052.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a 24.9±-acre sand and gravel mine consisting of a 13.2±-acre section (Area 1), an 11.2±-acre section (Area 2) and a 0.5±-acre haul road. Excavating, stockpiling, crushing, screening and truck loading and hauling will take place on-site. The mine will operate Monday through Friday from 7am to 5pm, and Saturday from 7am to 12pm (noon). The mine will be closed from December through March, except stockpiled materials may be hauled off the mine site during winter months. It is anticipated that there will be approximately 25 to 40 daily loaded truck trips, depending upon market demand. A 400±-foot section of Meacham Road (a.k.a. Old Trout Lake Road) will be used by the mine operators connecting two proposed haul roads to avoid impacts to wetlands.

The project is shown on the following Project Plans:

- Sheet 1 of 4; Drawing No. 7173-1 is the Mine Plan dated August 2015 and last revised February 16, 2017;
- Sheet 2 of 4; Drawing No. 7173-2 is the Reclamation Plan dated August 2015 and last revised May 4, 2017;
- Sheet 3 of 4; Drawing No. 7173-3 is the Environmental Mitigation Plan dated April 2016 and last revised February 16, 2017; and
- Sheet 4 of 4; Drawing No. 7173-4 is the Detail Plan dated May 2016 and last revised March 30, 2017.

The project is further described in a document titled "Mined Land Use Plan and Reclamation Report with Ozonia Sand and Gravel Mine," prepared by Thomas A.H. Pahler, P.E. and dated March 30, 2017. The four plan sheets referenced above are Appendix V of the Mined Land Use and Reclamation report and the report is TAHP Project No. 7173-17.

The applicant entered into an agreement with the Town of Hopkinton, which is described in a document titled "Agreement Between the Town of Hopkinton, New York, and Seaway Timber Harvesting, Inc., Relative to Use and Maintenance of Meacham Road and Lake Ozonia Road, Town roads in the Town of Hopkinton" signed March 22, 2017.

A reduced-scale copy of the Sheet 1 of 4; Drawing No. 7173-1, the "Mine Plan", dated August 2015 and last revised February 16, 2017 for the project, is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any commercial sand and gravel extraction on Rural Use lands in the Adirondack Park.

This permit amends Condition 12 of Permit 2016-0052.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the St. Lawrence County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the commercial sand and gravel extraction continues on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2016-0052 in relation to the project site. The terms and conditions of Permit 2016-0052 shall no longer apply to the project site.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2016-0052A, issued August 15, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the undertaking of commercial sand and gravel extraction in the location shown and as depicted on the Mine Plan referenced herein. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction, haul roads or Meacham Road (a.k.a. Old Trout Lake Road) shall require a new or amended permit or prior written Agency authorization.
7. All signs associated with the commercial sand and gravel extraction on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

8. Outside of the Life of Mine boundary shown on the Mine Plan dated August 2015 and last revised February 16, 2017, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
9. There shall be no vegetation removal of soil disturbance within the wetland buffers shown on the Mine Plan dated August 2015 and last revised February 16, 2017 without prior written Agency authorization. There shall be no wetland impacts created by the project, including but not limited to the section of Meacham Road (a.k.a. Old Trout Lake Road) to be used to access the 13.2±-acre section of the mine. There shall be no expansion or improvements to the section of Meacham Road (a.k.a. Old Trout Lake Road) to be used to access the mine without prior written Agency authorization.
10. Excavation, grading, stockpiling, reclamation, maintenance, crushing, screening and trucking activities shall only occur between 7am and 5pm weekdays and 7am to 12pm on Saturdays. The mine shall be closed Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas and New Year's Day. The mine shall be closed on Sunday, with the exception of trucking material should an emergency situation require it. Any emergency trucking on Sunday shall be reported to the Agency immediately.
11. The "Sound Mitigation Berms" shown on the Mine Plan dated August 2015 and last revised February 16, 2017, shall be installed not more than one season after undertaking excavation at the involved section of the mine.
12. In order to prevent the spread of invasive plants to the site, all equipment brought to the site from off-site locations, including but not limited to trucks, excavators, tractors, screening and crushing equipment, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

No hay shall be used on the site for mine reclamation. Only straw shall be used for reclamation to avoid the introduction of invasive species to the site.
13. This permit shall expire on August 15, 2028 unless an application for renewal is received by the Agency prior to that date.
14. Reclamation shall occur according to the Reclamation Plan dated March 2016 and last revised May 4, 2017. Reclamation shall be completed concurrently with the mining operation. The reclamation shall begin when sufficient space is available within the mine progression. The entire site shall be reclaimed within one year of the completed mine operation.
15. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

- 16. The project shall be undertaken in compliance with the approved plans and "Mined Land Use Plan and Reclamation Report" dated March 30, 2017. All stormwater runoff shall be contained and managed on-site as shown on the plans and described in the report.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this ^{15th} day
of August, 2023.

ADIRONDACK PARK AGENCY

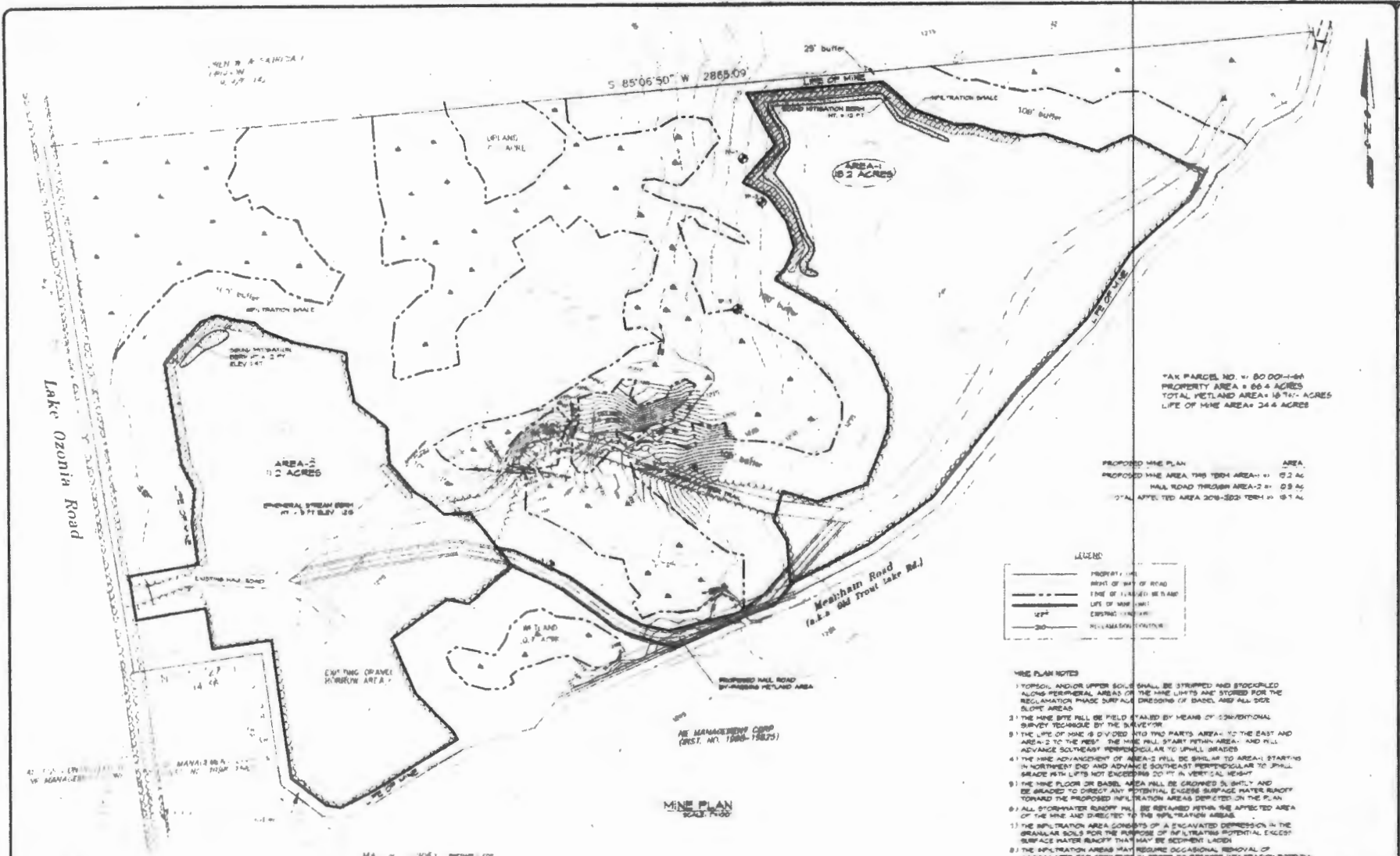
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{15th} day of August in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE8279890
Qualified in Franklin County
Commission Expires April 15, 2025

Stephanie L. Petith
Notary Public



*LAK PARCEL NO. 40 80 001-64
 PROPERTY AREA = 66.4 ACRES
 TOTAL WETLAND AREA = 18.74 ACRES
 LIFE OF MINE AREA = 34.4 ACRES

PROPOSED MINE PLAN AREA
 PROPOSED MINE AREA 1 THIS YEAR (AREA-1) = 6.2 AC
 MAIL ROAD THROUGH AREA-2 = 0.9 AC
 TOTAL APPLICATED AREA 2018-2023 YEARS = 9.1 AC

LEGEND

---	PROPERTY LINE
---	RIGHT OF WAY OF ROAD
---	LINE OF MINE (SEE PLAN)
---	LIFE OF MINE (SEE PLAN)
---	EXISTING INFILTRATION
---	WETLAND BOUNDARY

- MINE PLAN NOTES
- 1) TOPSOIL AND/OR UPPER SOILS SHALL BE STRIPPED AND STOCKPILED ALONG PERIPHERAL AREAS OF THE MINE LIFTS AND STORED FOR THE RECLAMATION PHASE SURFACE DRESSING OF BASIN AND ALL SLOPE AREAS.
 - 2) THE MINE SITE WILL BE FIELD STAKED BY MEANS OF CONVENTIONAL SURVEY TECHNIQUE BY THE SURVEYOR.
 - 3) THE LIFE OF MINE IS DIVIDED INTO TWO PARTS: AREA-1 TO THE EAST AND AREA-2 TO THE WEST. THE MINE WILL START WITH AREA-1 AND WILL ADVANCE SOUTHEAST PERPENDICULAR TO UPLIFT GRADES.
 - 4) THE MINE ADVANCEMENT OF AREA-2 WILL BE SIMILAR TO AREA-1, STARTING IN NORTHWEST END AND ADVANCE SOUTHEAST PERPENDICULAR TO UPLIFT GRADES WITH LIFTS NOT EXCEEDING 20 FT IN VERTICAL HEIGHT.
 - 5) THE MINE FLOOR OR BASEL AREA WILL BE GRADED SLIGHTLY AND BE GRADED TO DRAIN ANY POTENTIAL EXCESS SURFACE WATER RUNOFF TOWARD THE PROPOSED INFILTRATION AREAS DEPICTED ON THE PLAN.
 - 6) ALL STORMWATER RUNOFF WILL BE RETAINED WITHIN THE APPLICATED AREA OF THE MINE AND DIRECTED TO THE INFILTRATION AREAS.
 - 7) THE INFILTRATION AREA CONSISTS OF AN EXCAVATED DEPRESSION IN THE GRANULAR SOILS FOR THE PURPOSE OF INFILTRATING POTENTIAL EXCESS SURFACE WATER RUNOFF THAT MAY BE RECEIVED LOCATED.
 - 8) THE INFILTRATION AREAS MAY REQUIRE OCCASIONAL REMOVAL OF ACCUMULATED FINE SEDIMENTS IN ORDER TO RESTORE INFILTRATION POTENTIAL.
 - 9) THE PROPOSED MAIL ROAD WITHIN THE MINE SITE SHALL BE SMOOTH GRADED WITH GRAVEL. CURB WILL BE CONTROLLED BY A PLACEMENT OF NO. 50.
 - 10) THERE WILL BE NO MINES BELOW THE GROUNDWATER TABLE.
 - 11) THE MINE WILL BE RECLAIMED TO 1 FT VERTICAL TO 3 TO 5 FT HORIZONTAL SLOPES BOTH AREAS WILL BE VEGETATED WITH GRASS COVER.
 - 12) THE FINISHED GRADES SHALL BE GRASS SODDED WITH THE FOLLOWING:
 - GRASS SEED MIXTURE: 50 LBS/AC ANNUAL REYEGRASS
 - 30 LBS/AC HAIRY VETCH
 - 10 LBS/AC FORAMGE BROMUS
 - 13) THE FINISHED SEEDS SHALL BE SECURED WITH A PLACEMENT OF HAY OR STRAW MULCH WITH AN APPLICATION RATE OF APPROXIMATELY 40 LBS/AC PER TON OF SEED.

Adrian Adirondack Park Agency
FINAL
 P2016-0052A
 APR 11 2017

MA 11 WEST REPORT FOR
 MEACHAM TRAIL HORSE RING IN
 F. J. AND MARY FRANKLIN JOHN QUINN ROAD
 WCT SURVEYORS, P.L.C.
 47 ADIRONDACK PARK ROAD, FORT TILDEN, NEW YORK 13611
 TEL: 518/751-1930 FAX: 518/751-2677 EMAIL: WCT@WCTSURV.COM

THOMAS AH PAHLER, PE
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 7001 State Highway 54
 Monticello, New York 13854
 (518) 266-8166

DATE: APR 11 2017
 TIME: 10:00 AM
 PROJECT: MINE PLAN
 SHEET: 7173-1