



Cold Brook (Huggard) Mine

NYSDEC Mine ID# 60057

Town of Colton

St. Lawrence County

New York

Mined Land Use Plan

Prepared March 2025



Prepared for:

New York State Department of
Environmental Conservation &
The Adirondack Park Agency

Applicant:

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APPENDIX

- A. NYSDEC Mining Permit Application (85-19-2)
- B. NYSDEC Organizational Report Form (85-15-12)
- C. NYSDEC Full Environmental Assessment Form (FEAF)
- D. APA General Information Request Form (GIR)
- E. APA Supplemental Information Request Form (SIR)
- F. NYOPRHP Findings Letter dated March 25, 2021
- G. USDA/NRCS Custom Soil Survey Map
- H. Huggard Mine 2025 Mine Permit Modification: Sound Level Attenuation Calculation Summary
- I. North Country Ecological Services, Inc. Wetland Delineation and Threatened & Endangered Species Review, Huggard Mine dated March 11, 2025

IN POCKETS

- Mine Plan Map dated November 27, 2018; last revised March 18, 2025
- Reclamation Plan Map dated March 18, 2025
- Typical Sections dated March 18, 2025

1.0 Introduction

This Mined Land Use Plan (MLUP) was prepared for the purpose of modifying a NYSDEC Mined Land Reclamation Permit and obtaining an Adirondack Park Agency (APA) Project Permit for the Upstone Materials, Inc. (applicant) Cold Brook (a.k.a. Huggard Pit) sand & gravel mine located on a private road south of NY Route 56 in the Town of Colton/St. Lawrence County, NY. The NYSDEC Mined Land File # is 60057, ID # is 6-4028-00025. The project site is situated on tax parcel 136.000-03-24, the northernmost extent is located within the Town of Parishville. The proposed action would modify the life of mine area (LOMA) to add 19.0+/-acres to the existing 13.0+/-acres for a total LOMA of 32.0+/-acres.

The project site is located within the Adirondack Park in an area designated for Industrial Use. An APA Project Permit does not currently exist for this site due to its origin prior to the APA Land Use Development Plan in May 22, 1973. An APA Project Permit will be required under the proposed action due to a greater than 25% expansion in size. This application is prepared as required under Title 27/Section 23 of the Mined Land Reclamation Law for joint submittal to both the NYSDEC & APA.

Access to the project site is made by traveling 0.85 miles south on an existing shared private road from its intersection with NY Route 56. The shared access road is secured with a locked gate near at the north end entrance. With the exception of a private residence located at its northeast end, all lands east of the access road are owned by the applicant. The remaining lands surrounding the project site are owned by the “Little Stillwater Holding Corporation” (LSHC). All or a portion of the LSHC lands are utilized seasonally by the Catamount Lake Hunting Club.

Adjacent land-use features include a single residential dwelling located adjacent NY Route 56 at the north end of the private access road & densely wooded lands with open water ponds and partially vegetated wetlands. Cold Brook flows generally northwest from an earthen dam outside the proposed project area. By design, the proposed affected area will avoid impacts to aquatic resources (wetlands, ponds and streams) and their respective adjacent areas by establishing minimum 200-ft. setbacks, as requested by the APA in pre-application correspondence.

A wetland delineation and threatened and endangered species review was conducted within the proposed modification area by North Country Ecological Services, Inc. in 2024-2025. The wetland delineation is the basis for mine setbacks/buffers around the proposed

modification area. The NCES review concludes that “Based on the proposed mine limits, the mining operation would not have an impact on the wetlands or any rare or sensitive species of flora or fauna”. The NCES review is appended to this MLUP.

2.0 Existing Condition of the Land to be Affected

2.1 Past Mining History

The Cold Brook (Huggard) mine has been in existence since before May 22, 1973, as indicated on correspondence (2008) from the APA. Its precise date of origin is unknown. The approximate extent of area affected by pre-law (pre-1975) mining activities is shown on the Mine Plan Map included with this submittal.

The property, including the project site was acquired by Upstone Materials, Inc. (Upstone/applicant) from Graymont Materials (NY) in 2017. The mine is intermittently operated by Upstone, more or less annually, for the production of sand and gravel construction materials.

2.2 Previous Land Use

Previous land uses include over 50 years of mining in the vicinity of the existing 13+/-acre affected area, with the remaining 191+/-acres unmanaged forest lands.

2.3 Vegetation

The property, including the proposed modification area, is mostly forested with a mix of hardwoods and conifers typical for the region. Most of the existing 13-acre life of mine area is unvegetated bare ground of exposed sand and gravel to sparsely vegetated. The presence of Significant Natural Communities and/or Rare Plants or Animals was negative as indicated on the NYSDEC Environmental Resource Mapper web application. A detailed description of vegetation present at the site can be found in the “Wetland Delineation and Threatened and Endangered Species Review (NCES, 2025) appended to this MLUP.

2.4 Topography

Elevations within the project site vary from 1240+/-ft. amsl at the floor of the existing mine to 1355+/-ft. at the summit of a north-south oriented ridge. The ridge is a remnant

deposit of glacial outwash partially dissected by post-glacial drainage, primarily from Cold Brook.

2.5 Drainage

Apparent surface drainage features such as scoured swales or ditches are absent from the existing and proposed project areas. Drainage is internal into soils mapped as the “Colton-Duxbury-Adams complex” (USDA/NRCS Custom Soils Report). The soils are described as “excessively drained” and are not classified as prime farmland. Parent material of the Colton-Duxbury-Adams complex soils is described as “sandy and gravelly glaciofluvial deposits of predominantly granitic rock, with lesser amounts of sandstone and schist” (NRCS/Web Soil Survey online application), which is consistent with observations of soils and subsurface materials at the site.

The surficial geology is mapped as “outwash sand and gravel” described as “coarse to fine gravel with sand, pro-glacial fluvial deposition...permeable, thickness variable” by Cadwell & Pair, 1991.

2.6 Man-made Features

Man-made features present within the project site are limited to excavations and product stockpiles from mining activities. No man-made structures exist within the project site.

3.0 Mining Plan

3.1 Type of Deposit & Mineral Resource

The target mineral resource present at the Cold Brook mine site is glacially deposited outwash sand & gravel. The sand and gravel deposit consists of stratified medium to coarse sand with coarse sand and medium to coarse gravel interbeds. Cobble-sized gravel occurs in some of the coarser beds. Boulders, or glacial erratics, are also present within the project site.

3.2 Mining Operations

Proposed herein is a continuation of currently approved mining operations onto a 19.0+/- acre modification area which extends northerly from the existing excavation area. The

resource is an unconsolidated sand and gravel deposit to be excavated using mobile equipment situated at the ground surface. Below water excavation is not proposed.

The current configuration of a southerly facing excavation bank will be initially maintained in the early phases of mining. As the mine is gradually developed northerly the bank will be broadened somewhat to the east and west. Mining activity will remain behind the excavated bank. The resulting arcuate-shaped production face will provide a three-sided earthen barrier between receptors and operations throughout the life of the mine.

3.2.1 Mining Method

No change to the currently approved method of mining is proposed. Excavation will continue to occur above the water table from the exposed mine bank using a front-end loader. Material processing will occur as is currently authorized. The mine is only intermittently active in that operations are not continuous throughout a typical eight-month season. The duration and volume of mining is not expected to change as a result of the proposed action.

Excavation will advance the existing south-facing bank in a northerly direction into the ridge. Material excavated from the bank will be transported a short distance and fed into a portable processing plant located at or near the toe of slope. The portable plant will be located in the vicinity of the excavation area to ensure safe and efficient operations. As the mine is gradually developed northerly the bank will be broadened somewhat to the east and west. Mining activity will remain behind the excavated bank, maintaining an earthen barrier between receptors and operations throughout the life of the mine.

The operational mine floor will be maintained at its current elevation of 1240+/-ft. The slope of the excavation bank will be at the natural angle of repose during operations, as is typical for similar mines across the state. This will result in a stable slope as the dry, unconsolidated sand and gravel slough down slope to be subsequently excavated.

3.2.1.1 Setbacks

Setback areas, or undisturbed buffers, consist of lands owned by the operator which are not to be affected by mining. Proposed buffers at this project site consist of the areas between the existing and proposed life of mine area and the property line, as depicted on the Mine Plan Map included with this application (MPM last revised 7-24-2024). The

undisturbed buffers are primarily densely forested areas with the exception of three ponds and open water areas along Cold Brook. All existing and proposed property line setbacks exceed the minimum defined in 6 NYCRR 422.2(c)(3)(iii). The proposed LOMB is 125+/-ft. from the property line at its closest point near the Catamount Lake Hunting Clubhouse.

Proposed lateral setbacks from aquatic resources are a minimum of 200ft. Vertical separation between the proposed life of mine boundary and aquatic resources is at least 10ft.

3.2.1.2 Processing and Stockpiling

On site processing and stockpiling is proposed to continue as is currently approved. All mining related activities will occur within the approved affected area, as depicted on the Mine Plan Map included with this application.

3.2.1.3 Haulageways

The existing mine access road will continue to be utilized for ingress and egress of trucks, personnel and equipment. Existing internal haulageways facilitate access to the stockpile areas and mine faces. An extension of the existing roads will be necessary as the mine is developed to the north. Improvements to new and existing roads will be made as necessary to control drainage and prevent erosion. Water or approved dust palliatives will be utilized as necessary to mitigate the potential for dust.

3.2.1.4 Disposition of Stockpiles & Waste Materials

The current and proposed practice for stockpiling is to place product stockpiles on the mine floor. The disposition of stockpiles will be conducted in a manner to ensure safety, efficiency and internal drainage. All piles will be placed within the approved affected area.

Waste generated from mining activities at the site is expected to be minimal since virtually all of the materials at the site are salable, albeit at different rates. High demand products such as concrete sand will remain in stockpiles onsite for a shorter duration than will be cobbles and boulders. Non-salable materials, if any, will be utilized in grading the site prior to revegetation and final reclamation.

4.0 Pollution Control and Prevention of Environmental Damage

Pollution and environmental impacts are mitigated or avoided by incorporating best management practices (BMP's) into day-to-day mining operations. BMP's and other mitigation measures to be utilized at the Cold Brook mine site are described in this Section.

4.1 Air Pollution Control

Air emissions can be generally classified as either point sources (equipment stack emissions) or non-point sources (open fugitive emissions). Point sources common to the mining industry are typically from the generator utilized to supply power to the portable processing plant. Such point source emissions are regulated under 6NYCRR Parts 200 (General Provisions), 201 (Permits and Certificates), 212 (General Process), and 227 (Stationary Combustion Installation).

Non-point source emissions from the proposed operation will be produced by mining activities (excavation), transporting on dry roads and stockpiling. Generally non-point sources in mining operations generate larger dust particles that settle out quickly and are not transported beyond the mine area boundary. Wind currents that have the potential to transport dust are diminished by intervening barriers such as large trees and topography. Mining activities that have the potential to generate dust will occur at the mine floor and behind barriers. Dust particles generated by mining activities tend to settle out or are filtered out by surrounding vegetation before it can be transported outside the affected area.

Dust pollution or "fugitive" dust is airborne particulate matter that leaves the site. The following measures will be employed to mitigate potential adverse impacts on air quality to minimize the generation of dust, to contain the dust that is generated and shorten the distance the dust may travel.

- Operations which have the potential to generate dust will occur behind barriers such as mine faces and forested areas. Barriers will limit exposure to wind thereby reducing the potential to cause fugitive dust.
- Ground disturbance such as stripping operations have the potential to generate dust. Such disturbances will occur incrementally in small areas surrounded by dense forest, minimizing the potential for dust generation.

- Water or approved dust palliatives will be utilized on internal haulage and access roadways when necessary.
- Maintain the portable generator and mobile equipment with factory recommended exhaust systems that reduce air and noise pollution effectively.

The potential for air pollution to occur as a result of the proposed action is very limited due to the factors described above.

4.2 Noise Pollution Control

Noise pollution is defined by the NYSDEC in its Program Policy: Assessing and Mitigating Noise Impacts (NYSDEC, 2001) as "any loud, discordant or disagreeable sound or sounds". More commonly, in the environmental context, noise is defined simply as unwanted sound. There is a potential for noise pollution whenever sources of sound, such as mobile mining equipment, are newly introduced in a given area. The aforementioned policy requires an assessment of potential impacts, and when necessary, the implementation of mitigation measures to minimize impacts to the extent practicable on neighbors (receptors).

Potential impacts to offsite receptors from noise generated by a mining operation are evaluated by measuring the potential increase in noise from the existing, or ambient, condition. Evaluation of impacts is described in detail in the NYSDEC Program Policy: Assessing and Mitigating Noise Impacts (NYSDEC, 2001). The policy document states that increases in noise levels of less than 5 dB(A) are to be considered "Unnoticed to Tolerable" for the purposes of evaluation. See table below for reference.

Increase in Sound Pressure (dB)	Human Reaction
Under 5	Unnoticed to tolerable
5 to 10	Intrusive
10 to 15	Very noticeable
15 to 20	Objectionable
Over 20	Very objectionable to intolerable

Table from Down and Stocks, 1978

4.2.1 Noise Impact Assessment

This Noise Impact Assessment (NIA) was conducted to determine the potential for the proposed action to result in unwanted sound (noise) at the nearest receptors. The NIA models projected noise levels at given points (receptors) around the site by combining various noise sources that will be in operation at the mine and considering attenuation factors such as distance, atmospheric absorption, barriers and vegetation (mature forest). Sources of sound are modeled under "worst-case" (loudest) scenarios to be conservative in the assessment. A worst-case scenario assumes that all equipment will be operating at once from a location within the site that is nearest the receptor. In reality, operating equipment will be further from the receptor than what is modeled and likely not all operating simultaneously. The following summarizes the objectives of the NIA.

- Determine a sound level baseline (ambient conditions) at the nearest receptors.
- Estimate worst-case potential sound levels from operations occurring from within the project site at the nearest receptors.
- Compare the existing ambient conditions against those modeled under the proposed worst-case conditions to assess potential for resultant impacts; and
- Recommend mitigation measures to address potential impacts from noise.

4.2.1.1 Ambient Sound Conditions

Ambient sound is the sound level at a particular location under existing, pre-modification, conditions. Ambient sound can either be measured at the location or is estimated by considering existing sources of sound such as traffic, commercial or industrial activity or other common sources of sound. In this case, where lawful mining operations have occurred for more than 50 years, sound emanating from activities at the site is considered part of ambient conditions.

No change to the currently approved sources of sound (mobile equipment) is proposed. However, the *location* of operating equipment is proposed to change, thus an NIA is provided.

Ambient sound level at the nearest occupied dwelling is estimated by considering the existing sources of sound present at the nearest receptor. The receptor is located 400+/-ft. from NY Route 56 and 1650+/-ft. from the proposed LOMB at its nearest point.

Two primary noise sources at this location are traffic on NY Route 56 and the existing mining operation at the Huggard mine.

Vehicular traffic in 2023 on NY Route 56 was measured at 1,275 AADT (Annual Average Daily Traffic), of which 83.8% was passenger vehicles and 16.8% medium to heavy weight trucks (NYSDOT Traffic Data Viewer application; Station ID# 750183). The vast majority of traffic occurs between 6am and 6pm, during operational hours of the Huggard Mine.

To be conservative this NIA will consider 1,275 AADT to be equivalent to 52 dB(A) or “Light Auto Traffic at 50 feet” (The Aggregate Handbook, 1993 and NYSDEC Policy, 2001). At a distance of 400 feet from the highway **the ambient sound level at the receptor would be 34 dB(A)**. For comparison 35 dB(A) is considered “Wilderness Ambient” under the EPA Protective Noise Levels document (1978).

As stated above, with regard to a potential increase in sound levels from the existing Huggard Mine, only the location of operating equipment is proposed to change. This NIA will compare the estimated existing ambient sound level against the projected sound levels at receptor locations from proposed mining operations occurring within the project site.

4.2.1.2 Projected Sound Levels

Sources of potential noise pollution from the proposed project site include mobile equipment such as a front-end loader, over-the-road (OTR) flat-bed truck and portable processor. Equipment will operate on the floor of the mine (elevation 1240' +/-) behind mine faces and forested buffer areas during day-to-day operations.

Mobile equipment such as an excavator and/or a bulldozer will operate at grade atop the mine face to remove overburden. Overburden removal activities will occur over a period of one to two weeks, typically every two to three years. Said otherwise, overburden removal will occur 10 to 12 days over a two to three-year period. Since the frequency and duration of overburden removal activities is very low it does not represent a potential nuisance with regard to noise levels.

A list of the simultaneously operating noise sources at the mine site is as follows.

Sound levels of operating equipment measured at 50 feet (noise sources):

1. Front-end loader = 82.8 dB(A) Caterpillar 988F or equivalent

2. Portable Aggregate Processing Plant = 81.7 dB(A) Pioneer 3042 or equivalent
3. Typical OTR dump truck in operation = 71.2 dB(A)

Combined sound level at the source = **85.5 dB(A)**

Sound levels from multiple sources are not added arithmetically because they are reported on a logarithmic scale. Sound levels are added logarithmically to calculate the combined sound level. For approximation purposes, two sounds with the same sound level intensity (and frequency spectrum) will increase the overall sound pressure by approximately 3 dB. Combining noise sources where one sound level intensity is less than another will cause an overall increase of some value less than 3 dB. Once the difference between two sound levels is 10 dB or more the lower intensity sound adds little to nothing to the overall sound level (NYSDEC, 2001).

4.2.1.3 Attenuation of Sound

Sound is attenuated by several factors including distance to the receptor from the source, the nature of the surroundings and intervening topography (barriers), vegetation (forested buffers), wind direction and intensity, and humidity (atmospheric absorption). Projected sound levels are modeled based on these factors and compared to the existing or ambient sound levels at the receptor to determine potential impacts.

Sound Attenuation by Distance: Attenuation of sound over distance follows the inverse-square law which applies when any force or energy is evenly radiated outward from a point source in a three-dimensional space. The sound pressure from a spherical wave front radiating from a point source decreases by 50% (or 6.02 dB) for every doubling of distance after 50-feet from the source.

Topographic and Barrier Attenuation: Topographic features and barriers, such as earthen berms, stockpiles and mine faces, function to effectively attenuate sound if placed between the source and receptor. Directional mining methods, such as that which is proposed here, are designed to keep mining operations behind the mine face in a manner that maintains a barrier between noise sources and receptors.

Quantitative barrier attenuation models typically use multiple octave band sound levels at a range of frequencies because sound attenuation from barriers varies among different frequencies. In this case an analysis of attenuation based on octave bands is

not necessary because the receptor is within the geometrical shadow of the source of sound. The following graph (from Beranek 1992) illustrates the concept.

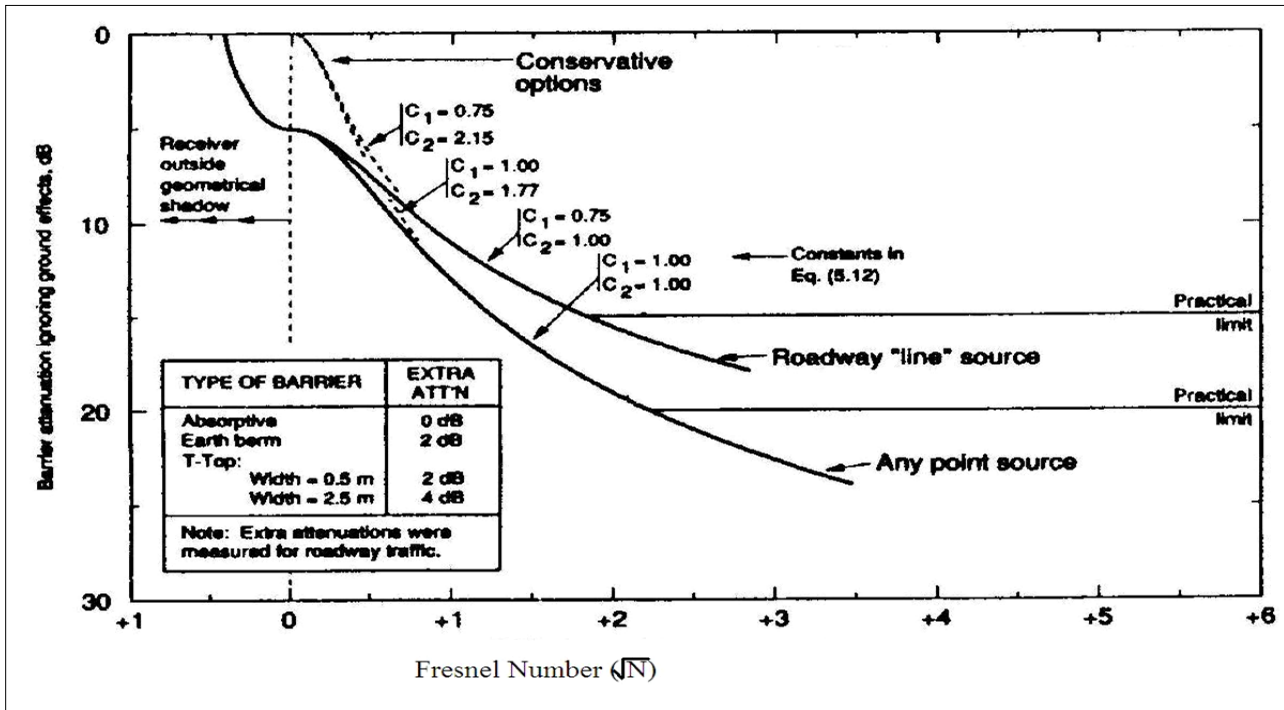


Figure 1: Graph illustrates the attenuation of sound from barriers (from Beranek, 1992).

Attenuation of Sound by Distance: Minimum distance between the nearest receptor (Young residence) and the proposed LOMB is 1650+/-ft. A combined sound level of all mining equipment operating simultaneously is 85.5 dB(A) measured at 50 feet. Using the inverse square law to determine attenuation by distance, the sound pressure level would be reduced by 30.4 dB(A) at the receptor. The estimated sound level at the receptor, by distance attenuation alone would be 55.1 dB(A). Refer to the Huggard 2025 Mine Permit Modification Sound Level Attenuation Calculation Summary appended to this MLUP.

Attenuation of Sound by Barriers: For the nearest receptor, combined sound level of multiple pieces of equipment operating simultaneously = 85.5 dB(A) measured at 50 feet. Attenuation of sound levels operating simultaneously behind a 40+/-ft. earthen barrier = 22+/-dB(A). Refer to the Huggard 2025 Mine Permit Modification Sound Level Attenuation Calculation Summary appended to this MLUP.

Attenuation of Sound by Vegetation: Dense vegetation that is at least 100 feet in depth will reduce sound levels by 3 to 7 dB(A) (from NYSDEC Noise Policy Document, 2001). More than 1000 feet of mature forest occupies the area between the closest receptor and the proposed LOMB. Using a conservative estimate of 3 dB(A) per 100 feet of forest indicates a decrease in sound levels of over **30 dB(A)** at the nearest receptor.

4.2.1.4 Receptors

For the purpose of this NIA receptors are considered dwellings presumably occupied on a year-round basis. The nearest receptor is the J. Young residence located 1650+/-ft. north of the proposed LOMB at its closest point.

The Catamount Lake Hunting Clubhouse is located just east of the existing mine, atop the face roughly 75 feet above the mine floor. The clubhouse is presumed to be occupied on a seasonal basis, typically in late fall during hunting season. With regard to sound levels experienced at the clubhouse there will be no change or a reduction compared to existing conditions. The proposed action will shift operations northerly, away from the clubhouse. The increase in distance will result in lower sound levels at the clubhouse over time.

4.2.1.1 Conclusions and Recommendations

The potential impact from increased sound levels at the receptor is measured by comparing existing ambient sound levels with projected sound levels from the proposed operation (NYSDEC, 2000). The results are summarized as follows.

- Combined sound level at the source = 85.5 dB(A)
- Attenuation by distance = 30.4 dB(A) (Nearest receptor is located at a minimum distance 1650+/-)
- Attenuation by topography and barriers = 22 dB(A)

Projected sound level at the receptor from mining operations at the project site = **33.1 dB(A)***

**To keep the assessment conservative attenuation of sound due to atmospheric absorption and vegetation were not considered.*

- Existing estimated ambient sound level = 34.0 dB(A)*

* Refer to Section 4.2.1.1.

- Projected sound level at the receptor resulting from the proposed modification = 33.1 dB(A).

Projected increase in sound level at the receptor resulting from the proposed action is 0 dB(A).

In summary, this NIA is based on highly conservative assumptions which are summarized below.

- The impractical scenario where all equipment (sources of sound) will be simultaneously operating at a location closest to the receptor is conservative.
- Over 1000 feet of dense forest occupies the space between the operating equipment and the receptor. Sound levels will be attenuated by a *minimum* of 30 dB(A) by vegetation alone. Virtually *all* of the sound emanating from the operation will be attenuated by vegetation.
- The comparative ambient sound level at the receptor of 34 dB(A) utilized in this NIA is equivalent to “Wilderness Ambient” (EPA, 1978). A sound level of 34 dB(A) is comparable to a “Library” or “Soft Whisper at 15 feet” (The Aggregate Handbook, 1993 and NYSDEC 2001). In reality the ambient sound level at the receptor is louder, the low ambient estimate was used to be conservative in the assessment.
- The Huggard Mine will be operational intermittently during a seven- or eight-month production season. The mine will be dormant four to five months of the year when traffic levels are at their lowest.

The NIA concludes that the proposed action will not increase sound levels at the nearest receptor.

Recommendations

Recommendations to establish and maintain effective noise mitigation strategies include the following;

- Utilize directional mining methods that establishes and maintains an earthen barrier and forested buffer between mining activities and receptors. Operational considerations require that mining occurs at the floor such that the production

face and forested buffer are always positioned in a manner that maximizes noise attenuation.

- Maintain all operating equipment with factory recommended muffler systems that reduce air and noise pollution effectively.
- Development of the mine should occur incrementally such that periods of overburden removal are minimized so that areas of ground disturbance at the surface are small and occur in short durations. Overburden removal activities should be conducted in an area large enough to accommodate one to two seasons of production to minimize periods of ground disturbance at the surface.
- Mining operations are conducted on a seasonal basis, resulting in periods of three to four months per year with no sound generating activity. During the production season mining occurs during the day when highway traffic levels are highest, resulting in elevated ambient sound when the mine is active.

4.3 Visual Pollution

The proposed project site is well-screened from views in all directions. Its location over 1500 feet from the NY Route 56 within a densely forested area blocks views from receptors, including residences and travelers on the highway. The project site is located behind topographic barriers which will remain in place over the life of the mine. Topographic barriers and forested lands effectively screen all potential views from the west, including receptors and travelers NY Route 56.

The project site is located within the Adirondack Park in an area designated for Industrial Use. It is not located within the viewshed of a designated aesthetic resource. The North Branch of the Grasse River, the nearest designated scenic river, is located 2.4+/-miles southwest of the project site at its nearest point. The 2000-foot scenic river buffer is over 2 miles from the project site. The intervening space is densely wooded over rolling topography obstructing any possible view of the mine from the river from within its buffer.

Higley Flow State Park is located over five miles northwest of the Huggard mine. Distance, topography and forest obstruct any potential views from the park.

The potential for impacts to the viewshed from the proposed action are nil. Its location behind topographic barriers and forested buffers effectively screens the site from views in all directions.

4.4 Water Pollution

The potential for water pollution is present wherever ground disturbance activities remove soils and vegetation. Measures must be taken to avoid sediment-laden storm water run-off being transmitted to surface water resources such as streams, lakes and wetlands from mining or mining related activities. Current and proposed directional mining methods utilized at the Huggard site are designed to contain water entering the site within the affected area where it will infiltrate directly into the well-drained sandy soils.

Surface water discharges are regulated under the State Pollutant Discharge Elimination System (SPDES). Condition #3 of the NYSDEC Mined Land Reclamation Permit states that “No Unpermitted Discharge Outside the Limits of Mine” shall occur. Surface water is contained within the Huggard mine with topographic barriers that surround the affected area. Water entering the site from precipitation and snow melt infiltrate into the “extremely well-drained” soils present within the existing and proposed affected areas.

The proposed excavation will not extend into the water table, facilitating vertical internal drainage into the ground under vadose conditions. The water table was encountered in two of nine test pits excavated at the site in March 2024. Its elevation was measured from the ground surface and surveyed using RTK GPS. The elevation of the water table was established at 1228+/- ft. amsl in both pits where it was encountered. The existing and proposed mine floor is 1240+/-feet amsl. The location of the test pits and ground water elevations are depicted on the plans included with this application. Best management practices described in this MLUP will be employed to maintain internal drainage.

Fuel, oil, grease, coolants and other chemicals utilized in machinery and tools are also potential sources of water pollution. Best management practices described section 4.4.1.1 will be employed to avoid spills, leaks or other means of potential contamination of water resources.

Wells will not be affected by the proposed excavation because ground water will not be encountered and no pumping is proposed. The proposed portable processor does not

utilize water for washing, it is a dry system. The singular net impact of the proposed activity will occur as a slightly higher rate of infiltration due to the removal of sandy material overlying the aquifer. A reduction in water availability or quality in neighboring wells will not occur from the proposed action.

4.4.1 Potential Impacts to Water Resources

4.4.1.1 Water Quality

Mining alone does not impact water quality. However, the potential for impacts exists wherever contaminants such as fuel, coolant, etc. are used. Operators are trained to use care in the handling of potential contaminants to avoid spills or improper disposal. Potential contamination sources are mainly:

- Leaky storage tanks.
- Accidental leakage during fuel delivery.
- Leakage from parked or operating equipment.

The following protocols will be observed by all personnel to ensure groundwater will not be contaminated by activities related to mining:

- No hazardous waste or toxic chemicals will be stored or disposed of at the site.
- Fuel will be stored in a secure tank held within an impermeable containment basin with a storage capacity of at least 110% of the tank.
- Fuel delivery to equipment on site will be carefully attended and personnel are instructed to use fueling practices that avoid accidental spillage.
- Fuel delivery systems will be equipped with automatic shut off mechanisms.
- Fuel delivery systems such as hoses and tanks will be regularly inspected and repairs or replacements made as necessary to avoid leaks.
- Equipment such as loaders and haul trucks, etc. will be inspected and maintained to keep in good working order and in accordance with factory recommendations.

The NYSDEC Spill Hotline phone number, 1-800-457-7362, is listed here and will be posted on site. Personnel will be instructed to contact the Hotline in the unlikely event of a spill.

4.4.1.2 Water Quantity

The proposed action will not have a measurable impact on ground water resources of the area. This type of mining does not remove water from the aquifer nor will it add water

thus no appreciable change to the water table will occur. Factors that have an impact to the ground water table are:

- Precipitation- precipitation that infiltrates through the unsaturated layer into the ground water is recharge.
- Unsaturated thickness- a thinner overlying unsaturated zone results in more rapid infiltration into the ground water.
- Vegetative cover- trees, shrubs, grass and other types of vegetation impede infiltration into ground water in an internally drained system (highly permeable soils developed on sand and gravel are generally internally drained) by absorbing and redirecting precipitation.
- Water usage- no ground water pumping or water usage is proposed.

An average separation of 12 feet will be maintained between the proposed mine floor & the ground water table. The separation is necessary from an operational perspective because the mine is operable only if the mine floor is dry. Water entering the affected area will be directed into the affected area for internal drainage.

4.5 Potential Impacts to Cultural Resources

The State Historical Preservation Office Cultural Resources Information System (CRIS) online application was used to determine if any cultural resources are in the vicinity of the project site. No features were identified within the one-mile search radius.

5.0 Reclamation Plan

5.1 Land-Use Objectives

The proposed post-mining land use objective of revegetated upland represents an extension of the currently approved reclamation objective at the project site. No change to the overall reclamation objective for the site is proposed. The reclaimed mine site will be compatible with its surroundings as a wildlife area. Post-mining drainage will be internal.

5.2 Reclamation Method

5.2.1 Grading & Slope Treatment/Final Grades

Mine faces will be graded and contoured to blend in with the natural contours of the adjacent land. Since the adjacent land is variable with regard to its elevation the result will be a meandering final side slope, as recommended in the Revegetation Procedures Manual (NYSDEC, 2005) Final slopes within the affected area will be graded to 2H:1V or 50%. Proposed final grades and slopes are shown on the Reclamation Plan Map and Typical Sections included with this application.

The mine floor will be excavated to approximately 1240 feet in elevation. Remnant materials, such as cobbles or boulders that were not removed during mining, will be buried in the banks and/or covered with soil to blend with the topography. Overburden soils will be distributed over the affected area (floor and side slopes), seeded and mulched as necessary to achieve a perennial vegetative cover.

5.2.2 Revegetation

The affected area will be graded as described in section 5.2.1 and subsequently treated with cover material (topsoil) stored within the project site to function as a viable substrate for vegetative growth. Revegetation of disturbed areas will be achieved through seeding, mulching and/or other appropriate and effective means. Concurrent reclamation, including revegetation will be conducted as the mine is developed and portions of the site reach final grade and lateral extent of mining. Revegetation of the affected area will be conducted in accordance with requirements of 6 NYCRR Part 422.3.

The seed mixture described below is suitable to be effective for revegetation based on soil and climate conditions at the Huggard mine site. The recommended seed mixture is as follows.

- 30% *Festuca arundinacea*, Fawn (Tall Fescue, Fawn)
- 24% *Lotus corniculatus* (Empire Birdsfoot Trefoil)
- 16% *Lolium multiflorum* (Annual Ryegrass)
- 16% *Phleum pretense*, Climax (Timothy, Climax)
- 10% *Trifolium hybridum* (Alsike Clover)

- 4% *Agrostis Alba* (Redtop)

The recommended seeding rate is 50 lb/acre.

Soil pH and fertility to be tested prior to seeding if necessary and seed mixture adjusted accordingly.

Mulch will be applied to seeded areas at a rate of roughly three tons per acre. Fertilizer will be applied according to specific manufacturers recommendations.

5.2.3 Waste Removal & Treatment of Haulageways

All junk, trash, personal property, equipment and vehicles will be removed from the site prior to final Department approval of reclamation.

The multi-use access road to the site will remain to facilitate access to the area by the property owners and Catamount Hunting Club members. Other roads internal to the site, if any, that will not be retained for access roads, hike/bike trails or other pathways will be de-compacted, seeded and mulched in similar fashion to other affected uplands to be reclaimed.

5.2.4 Final Drainage

Proposed final drainage within the life of mine area will be internal into the reclaimed mine floor. No surface drainage discharge is proposed. Proposed final grade is illustrated on the enclosed plans.

5.3 Reclamation Schedule

All of the area within the life of mine boundary will be reclaimed as described herein and shown on the Reclamation Plan Map in accordance with 6NYCRR Part 422.3. Concurrent reclamation will be conducted wherever practicable over the life of the mine.

Final reclamation will begin immediately upon completion of all mining activities. The NYSDEC will be notified of the completion of mining and reclamation activities.

REFERENCES

1. Barksdale, R.D., 1993, *The Aggregate Handbook*, National Stone Association, Washington DC.
2. Beranek, Leo L. and Ver, Istvan L., editors, “Noise and Vibration Control Engineering: Principles and Applications, John Wiley & Sons, 1992.
3. Cadwell, D. H., and D. L. Pair. 1991. Adirondack Sheet. In *Surficial Geologic Map of New York; New York State Museum*. New York State Museum Map and Chart Series 40, edited by D. H. Cadwell, and others, The University of the State of New York, Albany, New York.
4. Down, C.G. and Stocks, J.; Environmental Impact of Mining. Applied Science Publishers Ltd., ISBN 0853347166, 1978.
5. North Country Ecological Services, Inc.; Wetland Delineation and Threatened & Endangered Species Review, Huggard Mine dated March 11, 2025.
6. NYSDEC, 2001, “Assessing and Mitigating Noise”, NYSDEC Division of Environmental Permits, issued October 6, 2000, last revised February 2, 2001.
7. NYSDEC, 2005, “New York State Revegetation Procedures Manual-Surface Mining Reclamation”, Albany, NY.
8. NYSDEC, Article 23, Title 27 - Environmental Conservation law (Mined land Reclamation Law), 6NYCRR, Chapter IV- Quality Services, Parts 420-425.
9. United States Environmental Protection Agency, Protective Noise Levels, Condensed Version of EPA Levels Document, EPA 550/9-79-100, November 1978, Office of Noise Abatement & Control, Washington, D.C.
10. USDA/NRCS Web Soil Survey Application,
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

APPENDIX

**Division of Mineral Resources
MINING PERMIT APPLICATION**



**Department of
Environmental
Conservation**

1. a. MINE FILE NUMBER 6-4028-00025		1. b. DEC ID NUMBER 60057		7. MINED LAND PROJECT																									
2. NAME OF APPLICANT Upstone Materials, Inc.				<table style="width:100%; border:none;"> <tr> <td style="width:80%;"></td> <td style="text-align:center;">Yes</td> <td style="text-align:center;">No</td> </tr> <tr> <td>a. Will the total acreage affected by mining for the entire mining site be equal to or greater than 5 acres?</td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> <tr> <td>b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet?</td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> <tr> <td>c. Will there be on-site processing of mining products (eg. crushing, screening, washing) that requires an air permit?</td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> <tr> <td>d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area?</td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)?</td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>f. Will mining occur within 500 feet of any dwelling?</td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> <tr> <td>g. Will mining ever occur below the water table?</td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> </tr> </table>			Yes	No	a. Will the total acreage affected by mining for the entire mining site be equal to or greater than 5 acres?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Will there be on-site processing of mining products (eg. crushing, screening, washing) that requires an air permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Will mining occur within 500 feet of any dwelling?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	g. Will mining ever occur below the water table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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3. TELEPHONE NUMBER 518-561-5321				9. APPLICATION TYPE																									
4. PERMANENT ADDRESS: NUMBER & STREET NAME 111 Quarry Rd				<input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Transfer																									
CITY Plattsburgh		STATE NY		ZIP CODE 12901																									
5. CONTACT PERSON Erinn Walker		6. a. TELEPHONE NUMBER (518) 561-5321		11. NAME OF MINERAL/MATERIAL TO BE MINED sand & gravel																									
6. b. EMAIL ADDRESS ewalker @upstonematerials.com				12. b. Does the local government require any type of permit for mining at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																									
8. TAXPAYER ID (If other than individual, provide Federal Taxpayer ID Number) 93-0807111		10. b. COMING PERMIT TERM <input checked="" type="checkbox"/> 5 years <input type="checkbox"/> Other ___ years		13. b. If YES, give Mine File Number(s) see attached																									
10. a. PRESENT PERMIT TERM Expiration Date 5 / 31 / 2029		10. b. COMING PERMIT TERM		14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit SUSPENDED OR REVOKED or has had a New York State mined land reclamation bond FORFEITED ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, identify the person(s)																									
12. LOCAL ORDINANCES		a. Is mining prohibited at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		FOR OFFICIAL DEC USE ONLY _____ acres _____ acres _____ acres _____ acres _____ acres _____ acres _____ acres _____ acres																									
13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																													
15. ACREAGE SUMMARY (To be filled in by applicant)																													
a. Total acreage controlled by owner at this location		<u>201.0</u> acres																											
b. Total acreage permitted by DEC prior to this application		<u>13.0</u> acres																											
c. Total acreage affected since April 1, 1975		<u>13.0</u> acres																											
d. Total acreage approved by DEC as reclaimed since April 1, 1975		<u>0.0</u> acres																											
e. Current affected acreage (c minus d)		<u>13.0</u> acres																											
f. Acreage included in this application, but not previously approved		<u>19.0</u> acres																											
g. New acreage to be affected during the coming permit term		<u>5.7</u> acres																											
h. Number of acres to be reclaimed during coming permit term		<u>1.0</u> acres																											
16. NAME OF MINING OPERATION Cold Brook (Huggard) Pit																													
17. MINE LOCATION		18. MAP LOCATION																											
Road <u>NY Route 56</u>		a. Quadrangle Name <u>Stark, NY</u>																											
Nearest Road Intersection <u>Stark Road</u>		b. <input type="checkbox"/> 15 minute <input checked="" type="checkbox"/> 7 1/2 minute																											
Town <u>Colton</u>		FOR OFFICIAL DEC USE ONLY																											
County <u>St. Lawrence</u>		LATITUDE: _____ LONGITUDE: _____ NAD 83																											
19. NAME AND ADDRESS OF SURFACE LANDOWNER(S) Upstone Materials, Inc. 111 Quarry Road Plattsburgh, NY 12901		20. NAME AND ADDRESS OF MINERAL OWNER(S) Upstone Materials, Inc. 111 Quarry Road Plattsburgh, NY 12901																											
21. The surface landowner(s) and the mineral owner(s) of the property that is to be mined by the above applicant have read the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer, or the NYS Department of Environmental Conservation. The surface landowner(s) and mineral owner(s) further agree to allow access to the property to Department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.																													
SIGNATURE(S) OF SURFACE LANDOWNER(S)		DATE		SIGNATURE(S) OF MINERAL OWNER(S)																									
		<u>3/19/2025</u>																											
22. I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.																													
NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE				DATE																									
Erinn Walker Environmental Coordinator 				<u>3/19/2025</u>																									

MinelD	PermitteeName	MineName
51004	Upstone Materials Inc	Bedard Mine
50992	Upstone Materials Inc	Cannon Corners Pit
50363	Upstone Materials Inc	Cassavaugh Pit
60054	Upstone Materials Inc	Chapel Hill Road Mine
50991	Upstone Materials Inc	Clinton Quarry
60057	Upstone Materials Inc	Cold Brook Pit
50358	Upstone Materials Inc	Egan Pit
50873	Upstone Materials Inc	Fields Sand & Gravel Pit
50452	Upstone Materials Inc	Gratto Pit
50639	Upstone Materials Inc	Hale Hill Mine
51033	Upstone Materials Inc	Lamberton Bank
50056	Upstone Materials Inc	Lewis Quarry
50303	Upstone Materials Inc	Malone Quarry
50798	Upstone Materials Inc	Mooers Stone Products Quarry #1
50822	Upstone Materials Inc	Mooers Stone Products Quarry 2
50026	Upstone Materials Inc	Morrisonville Pit
60612	Upstone Materials Inc	Niagara Mohawk Sandstone Pit
50518	Upstone Materials Inc	Norm Baker Pit
50062	Upstone Materials Inc	Plattsburgh Quarry
50006	Upstone Materials Inc	Porter Road Pit
60033	Upstone Materials Inc	Potsdam Stone And Concrete
50058	Upstone Materials Inc	Saranac Lake Quarry
50636	Upstone Materials Inc	Wells Pit #3



**Department of
Environmental
Conservation**

ORGANIZATIONAL REPORT

INCOMPLETE FORMS ARE NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

<p>1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY; INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.</p> <p>Robert Gibeault, Regional Manager Upstone Materials, Inc. 111 Quarry Rd. Plattsburgh, NY 12901</p> <p>EMAIL ADDRESS: rgibeault@upstonematerials.com TELEPHONE (518) 593-8018 FAX NUMBER (518) 561-5867</p>	<p>2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.</p> <p>Same</p> <p>EMAIL ADDRESS: TELEPHONE ()</p>																						
<p>3. TYPE OF ACTIVITY (Check those that apply)</p> <table border="0"> <tr> <td><input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)</td> <td><input type="checkbox"/> SOLUTION MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> STORAGE—Underground Gas or LPG Facility</td> <td><input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> PURCHASING—Of Oil or Gas from Others</td> <td><input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole</td> </tr> <tr> <td><input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others</td> <td><input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> PLUGGING—Plug and Abandon Wells for Others</td> <td><input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> DRILLING—Drill Wells for Others</td> <td></td> </tr> </table>		<input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)	<input type="checkbox"/> SOLUTION MINING—Own/Operate Facility	<input type="checkbox"/> STORAGE—Underground Gas or LPG Facility	<input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility	<input type="checkbox"/> PURCHASING—Of Oil or Gas from Others	<input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole	<input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others	<input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility	<input type="checkbox"/> PLUGGING—Plug and Abandon Wells for Others	<input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility	<input type="checkbox"/> DRILLING—Drill Wells for Others											
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<p>4. STATE WHETHER THE ENTITY IS A CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY, OR TRUST. IF FOREIGN (OUT-OF-STATE) CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GENERAL PARTNERSHIP OR ASSUMED NAME OF A LIMITED LIABILITY PARTNERSHIP, GIVE COUNTY OF FILING.</p> <p>Domestic Business Corporation NYS DOS ID# 5115535 Albany County Status: Active</p>	<p>5. IF THE NAME ENTERED IN BOX 1 IS NEW, INCLUDE THE COMPLETE NAME AND ADDRESS OF THE PREVIOUS ENTITY.</p> <p>N/A</p>																						
<p>6. IF ENTITY IS A CORPORATION OR ASSOCIATION, LIST ALL DIRECTORS AND ALL OFFICERS. IF A PARTNERSHIP, LIST ALL GENERAL AND ALL LIMITED PARTNERS. IF A LLC, LIST ALL MEMBERS. CHECK BOX IF ADDITIONAL SHEETS ARE ATTACHED. <input type="checkbox"/></p> <table border="1"> <thead> <tr> <th>NAME</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>Rodney Russell</td> <td>President</td> </tr> <tr> <td>Sylvain Gross</td> <td>VP Environment, Health, & Safety</td> </tr> <tr> <td>Brad Collins</td> <td>VP/Finance</td> </tr> <tr> <td>Neil Dicob</td> <td>VP, Northeast Operations</td> </tr> <tr> <td>Stephan Mills</td> <td>Division Controller</td> </tr> <tr> <td>Robert Gibeault</td> <td>Regional Manager, Upstone</td> </tr> </tbody> </table>	NAME	TITLE	Rodney Russell	President	Sylvain Gross	VP Environment, Health, & Safety	Brad Collins	VP/Finance	Neil Dicob	VP, Northeast Operations	Stephan Mills	Division Controller	Robert Gibeault	Regional Manager, Upstone	<p>7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT. AT LEAST ONE PERSON MUST BE LISTED.</p> <table border="1"> <thead> <tr> <th>NAME</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>Neil Dicob</td> <td>VP, Northeast Operations</td> </tr> <tr> <td>Robert Gibeault</td> <td>Regional Manager, Upstone</td> </tr> <tr> <td>Erinn Walker</td> <td>Environmental Coordinator</td> </tr> </tbody> </table>	NAME	TITLE	Neil Dicob	VP, Northeast Operations	Robert Gibeault	Regional Manager, Upstone	Erinn Walker	Environmental Coordinator
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I affirm under penalty of perjury that the information provided in this report is true to the best of my knowledge and belief. I am aware any false statement made in this report is punishable pursuant to Section 210.45 of the Penal Law.

<p>TYPE OR PRINT NAME OF AUTHORIZED PERSON</p> <p><i>Robert Gibeault</i></p>	<p>SWORN TO AND SUBSCRIBED BEFORE ME, THIS <u>14th</u></p>	<p>Wendy Miller Notary Public, State of New York No. 01M16378057 Qualified in Clinton County Commission Expires July 16, 2026</p>
<p>SIGNATURE</p> <p><i>Robert Gibeault</i></p>	<p>DATE <u>11-7-25</u></p>	
<p>DAY OF <u>November</u> 20 <u>25</u></p> <p>NOTARY PUBLIC</p> <p><i>Wendy Miller</i></p>		

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Cold Brook (Huggard) Mine Permit Modification		
Project Location (describe, and attach a general location map): Town of Colton/St. Lawrence County, NY tax parcel 136.000-03-24		
Brief Description of Proposed Action (include purpose or need): The proposed action would modify the life of mine area (LOMA) to add 19.0+/-acres to the existing 13.0+/-acres for a total LOMA of 32.0+/-acres. The purpose is to provide access to sand & gravel reserves. All lands are owned by the applicant.		
Name of Applicant/Sponsor: Upstone Materials Inc.		Telephone: 518-561-5321
		E-Mail:
Address: 111 Quarry Rd		
City/PO: Plattsburgh	State: NY	Zip Code: 12901
Project Contact (if not same as sponsor; give name and title/role): David Shank		Telephone: 862-217-1285
		E-Mail: dshank@colasinc.com
Address: 473 Brockway Rd		
City/PO: Frankfort	State: NY	Zip Code: 13340
Property Owner (if not same as sponsor): Same as sponsor		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Colton	November 2025
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	APA	November 2025
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Division of Minerals	November 2025
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes<input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes<input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes<input checked="" type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Rural Industrial (Ru.I)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Colton Pierrepont CSD

b. What police or other public protection forces serve the project site?

St. Lawrence County Sheriff, NY State Police

c. Which fire protection and emergency medical services serve the project site?

Colton Volunteer Fire Department

d. What parks serve the project site?

Adirondack Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? The proposed action is a continuation/expansion of existing industrial sand & gravel extraction.

b. a. Total acreage of the site of the proposed action? 32.0+/- acres

b. Total acreage to be physically disturbed? 32.0+/- acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 204.1+/- acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 146 Units: 19 acres

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? Mining _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 1.5+/- million tons
- Over what duration of time? 50+

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Native sand & gravel will be excavated, processed and sold for use as construction aggregate & related products.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. Excavated sand & gravel will be dry processed on site using a portable processor

v. What is the total area to be dredged or excavated? _____ 32+/- acres

vi. What is the maximum area to be worked at any one time? _____ 5+/- acres

vii. What would be the maximum depth of excavation or dredging? _____ 80+/- feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____
The affected area will be reclaimed to revegetated upland.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) Front-end loader, mobile aggregate processing plant, excavator</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):
 Diesel exhaust from mobile equipment, the potential for localized dust from earth moving activities. _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6-6 • Saturday: _____ 7-1 • Sunday: _____ none • Holidays: _____ none
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:
 The project site is an existing industrial mine surrounded by forest, one residence 1650' north, wetlands & Cold Brook, hunting camp _____

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0	0
• Forested	19	0	-19
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	+32
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	
• Wetlands (freshwater or tidal)	0	0	
• Non-vegetated (bare rock, earth or fill)	13	0	-13
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >100 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Colton-Duxbury-Adams _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: 40+/- feet

e. Drainage status of project site soils: Well Drained: 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 40 % of site
 10-15%: 40 % of site
 15% or greater: 20 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Cold Brook Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>Deer _____ small mammals _____ birds _____</p> <p>insects _____ _____ _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>The project site is private land with a private hunting camp located adjacent. The site will be inactive during hunting season thus it will have no impact. _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Adirondack Park</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park</u>	
<i>iii.</i> Distance between project and resource: _____ 0 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

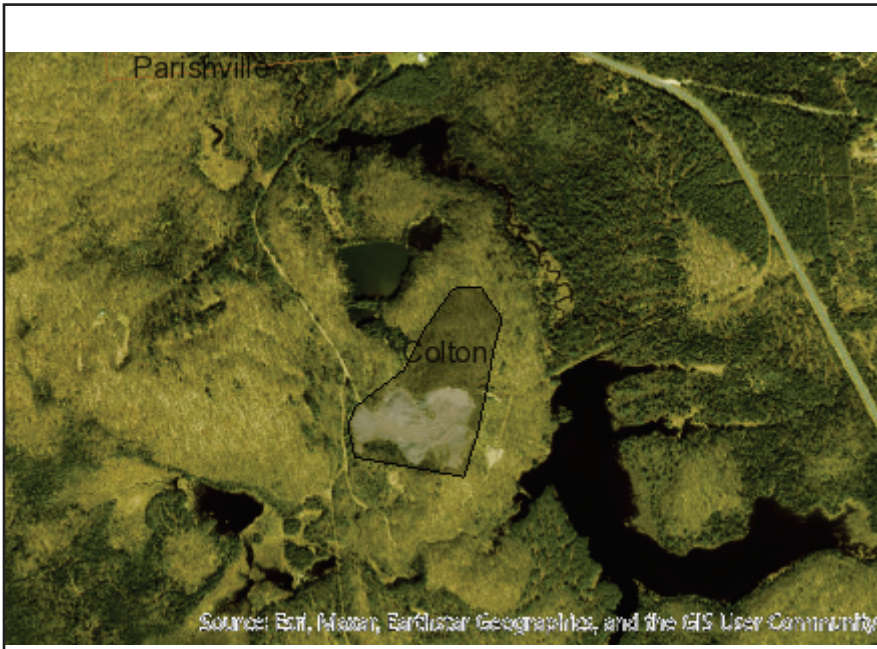
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name David Shank Date 11/17/2025

Signature David Shank Title Aggregates Performance Manager/Colas Inc.



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



ADIRONDACK PARK AGENCY
 Division of
Regulatory Programs
 PO Box 99, 1133 NYS Route 86
 Ray Brook, New York 12977
 Telephone (518) 891-4050
 www.apa.ny.gov



**APPLICATION FOR
 MAJOR PROJECTS**
 General Information Request

Applicability: This General Information Request, together with a Supplemental Information Request, is the application for an Adirondack Park Agency permit for a variety of Major Projects. The General Information Request seeks general information about the project site and proposal while the Supplemental Information Request is specific to the type of project being proposed. The Agency may also request pertinent additional information based on the information contained in the application.

Instructions: Please answer all questions and provide all applicable attachments. For assistance in completing this application or to request a pre-application, please refer to the Agency’s website or contact the Agency’s Regulatory Programs division at (518) 891-4050. The application with applicable attachments should be in PDF or similar format and submitted by email to APAsubmissions@apa.ny.gov.

Electronic copies of plans must be fully scalable. If unable to submit via email, hard copy submissions will be accepted but delays may occur. After the Agency receives your signed application, you will receive a Notice advising you of the date the application was received, the Agency file number, and the name of the Environmental Program Specialist (EPS) assigned to review your application.

By law, the Agency is required to respond to your application within fifteen days of its receipt, identifying any additional information necessary for a complete application. The Agency will make every effort to conduct a site visit within these fifteen days. **However, the combined site visit and application review may not be possible within fifteen days**, especially depending on weather and project complexity.

Site visits conducted early in the application process help to ensure that proposals are well designed from the beginning, minimize the need for follow-up information requests from the Agency, and result in a more efficient review.

Please indicate if you agree to extend the response deadline until fifteen days after a site visit.

YES NO

Application review will not begin until the Agency has received all the information necessary to review the proposed project. Please note that a site visit may be required before the permit application can be considered complete. Depending on the site conditions and the details of the proposed project, other studies, plans, and details may be required in addition to the materials requested in this application.

1. Project Applicant(s)*:

Name(s): _____

Mailing Address: _____

Phone (daytime): _____

Email: _____

2. Current Property Owner(s): ()**

(check above if same as Project Applicant)

Name(s): _____

Mailing Address: _____

Phone (daytime): _____

Email: _____

* A project sponsor is a person having a legal interest in property who makes application to the Agency for the review of a project proposed on such property. Documentation demonstrating such legal interest must be provided, such as a current deed or purchase contract.

** List all names on the current deed of record.

3. Project Sponsor's Legal Interest in Project Site (check the one that applies):

- Owner Signed purchase agreement holder
 Lessee Option holder Other (Identify: _____)

4. Project Sponsor's Authorized Representative: By filling in the name and address below and signing this application, the project sponsor is authorizing the person named below to act as his/her agent in all matters relating to this permit application before the Adirondack Park Agency. The project sponsor acknowledges that all contact regarding the application will be through his/her Authorized Representative. The project sponsor is, however, ultimately responsible for the accuracy of the information contained in this application and for compliance with all terms and conditions of any permit issued to him/her by the Agency.

Name: _____

Mailing Address: _____

Phone (daytime): _____ Email: _____

5. Prior Agency Contact: Identify any previous Agency action (permit, variance, jurisdictional inquiry, enforcement case, or wetland flagging) by file number and/or any contact with Agency staff regarding this project site. Please indicate if staff has visited the project site.

Staff Name(s): _____

Date of Contact: _____

File #(s): _____

6. **Project Site Location/Identification** (a project site is generally considered to be all adjoining properties owned by the current landowner(s) including properties separated by a public road):

Street address: _____

Town(s): _____ County: _____

Size: _____ acres (includes all adjoining properties owned by the landowner)

Tax Map Designation (from the tax bill for the property):

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

7. **Adjacent Properties:** Provide, as **Attachment A**, a complete and current list of the names and addresses of all landowners whose property adjoins the project site with the tax map references (tax map section, block, and parcel numbers) based on the latest completed tax assessment roll. This list must include landowners whose property would otherwise adjoin the project site but is located across a public road or right-of-way from the site. Attached is a sheet which should be used to provide the required list of adjoining landowners. (This information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.)

8. **Deed(s):** Provide, as **Attachment B**, a complete copy of the current recorded deed(s) for the project site containing the recording information. Copies are available from the County Clerk's Office. Also, if the project sponsor has an executed contract or agreement to purchase or lease the project site, please provide a copy in order to establish the project sponsor's legal interest in the project site. (The purchase price and other confidential information may be blackened out.) **Deed attached.**

9. **Deed Restrictions and Easements:**

- a. Describe and provide, as **Attachment C**, any current deed restrictions or easements associated with the project site.
- b. Attach, as **Attachment D**, any proposed deed language that will restrict further subdivision or development on the project site and any other proposed deed restrictions or easements.

10. **Project Description:** Provide a brief description of the proposed project:

Which of the following types of new land use and development does the project include?
Check all that apply and attach the appropriate completed Supplemental Information Request.

- | | |
|---|---|
| <input type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Commercial Use |
| <input type="checkbox"/> Multiple Family Dwelling | <input type="checkbox"/> Public or Semi-Public Building |
| <input type="checkbox"/> Individual Mobile Home | <input type="checkbox"/> Industrial Use |
| <input type="checkbox"/> Mobile Home Court | <input type="checkbox"/> Forestry Use |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Forestry Use Structure |

- | | |
|---|---|
| <input type="checkbox"/> Sawmill, Chipping Mill, Pallet Mill or similar Wood Using Facility | <input type="checkbox"/> Watershed Management or Flood Control Project |
| <input type="checkbox"/> Agricultural Use or Structure | <input type="checkbox"/> Marina, Boat Yard & Boat Launching Site |
| <input type="checkbox"/> Agricultural Service Use | <input type="checkbox"/> Commercial Seaplane Base |
| <input type="checkbox"/> Tourist Accommodation | <input type="checkbox"/> Commercial or Private Airport |
| <input type="checkbox"/> Tourist Attraction | <input type="checkbox"/> Sewage Treatment Plant |
| <input type="checkbox"/> Ski Center | <input type="checkbox"/> Waste Disposal Area |
| <input type="checkbox"/> Golf Course | <input type="checkbox"/> Junkyard |
| <input type="checkbox"/> Campground | <input type="checkbox"/> Private Road |
| <input type="checkbox"/> Commercial Sand and Gravel Extraction | <input type="checkbox"/> Municipal Road |
| <input type="checkbox"/> Private Sand and Gravel Extraction | <input type="checkbox"/> Public Utility Use |
| <input type="checkbox"/> Mineral Extraction or Structure | <input type="checkbox"/> Major Public Utility Use |
| <input type="checkbox"/> Group Camp | <input type="checkbox"/> Accessory Use or Accessory Use Structure to any of the above |
| <input type="checkbox"/> Cemetery | <input type="checkbox"/> Construction in or adjacent to a jurisdictional wetland |
| <input type="checkbox"/> Open Space Recreational Use | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Game Preserve or Private Park | |
| <input type="checkbox"/> Hunting and Fishing Cabin or other Private Club Structure | |

11. Project Site History: As part of its review of the project, Agency staff must understand the history of the project site. If the project site was part of a larger parcel on May 22, 1973 (the enactment date of the Adirondack Park Agency Land Use and Development Plan), the exact property boundaries of the larger parcel and the size of all buildings on that date must be established.

a. State the current acreage of all connected lands owned by the current landowner, even if the parcels have different deeds and/or tax map numbers and even if they are larger than the project site: _____ acres

b. As of May 22, 1973, did the owner at that time own any adjoining property, including properties on the opposite sides of public roads?

No

Yes - If Yes, provide the Tax Map References of these adjoining properties:

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

c. Has any portion of the total as it existed on May 22, 1973 been conveyed, sold, given away or otherwise subdivided since that date?

No

Yes - If Yes, provide the following information for those lots or parcels. Attach additional sheets if necessary:

Lot Number (from current tax map)	Date of Conveyance	Lot Size (sq. ft. or acres)	Was Conveyance by Gift or Sale?

- i. Provide, as **Attachment E**, a complete copy of all recorded deeds (not just abstracts) for the above conveyances back through May 22, 1973.
- ii. Provide, as **Attachment F**, a full scale copy of a survey map or the current real property tax map clearly showing the property boundaries of the project site and any tax parcel or lot that the project site was part of on May 22, 1973.
Survey map attached.
- iii. Are there buildings on the total contiguous landholding now owned by the present landowner?
 - No
 - Yes - If Yes, provide the following information. Attach additional sheets if necessary:

Date of Construction	Size (sq. ft.)	Height (ft.)	Type/Use (single family dwelling, store, garage, etc.)

- iv. Describe any other structures which existed on the property as of August 1, 1973 which have since been removed or destroyed and their use (residential, commercial, etc.). Include the date that the structure was removed or destroyed:

Check if no buildings or structures removed or destroyed since August 1, 1973

12. Historic Resources: Does the project site have any buildings that are more than 50 years old, or does the project site or surrounding area contain any structures or districts which are listed or deemed eligible to be listed on the State or National Register of Historic Places or does the project site involve any known archeological resources?

- No
- Yes*, to any of the above criteria.

*If Yes, provide a location map, project description, site plan map, and recent photographs keyed to the location map to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as part of consultation required by the State Historic Preservation Act. Please be advised that the Agency cannot deem an application as complete until the OPRHP's determination and/or recommendations for historic resource impact mitigation have been provided to the Agency.

13. Shoreline: Shoreline means that line at which land adjoins water of lakes or ponds or navigable (by boat or canoe) rivers and streams. There are minimum shoreline vegetation cutting restrictions, lot widths, structure setbacks, sewage disposal system setbacks and

shoreline access requirements under the Adirondack Park Agency Act and regulations implementing the NYS Wild, Scenic and Recreational Rivers Act. These shoreline protection standards are measured from the mean high water mark (MHWM - the average of the annual high water levels). Please contact Agency staff for requirements. If the project site has shoreline and you propose construction of any kind within 100 feet of the shoreline (150 feet for Recreational Rivers, 250 feet for Scenic Rivers), the MHWM will have to be established and shown on a site plan map in order to have a complete application. At the project sponsor's request, Agency staff will determine the MHWM at the project site or you can have the determination made by a NYS licensed land surveyor. If you are unsure of navigability, please contact Agency staff.

- a. Does the project site contain any navigable water?
 No - If No, go to Question 13: Wetlands.
 Yes - If Yes, name of water body: _____
Length of shoreline on the project site (as it winds and turns): _____ feet
- b. Is any portion of the shoreline currently being used or proposed for use by others for deeded or contractual access to the water body?
 No
 Yes - If Yes, identify and describe all shoreline access parcels, the number of lots having access to each parcel and the dates access was granted. Also, please provide a complete copy of all deeds for all properties which have been granted access to the water body via a shoreline access parcel:

- c. Will any vegetation be cut or removed within 35 feet of a lake or pond or navigable river or stream or within 100 feet of a designated NYS Wild, Scenic or Recreational River? (If you are uncertain whether the shoreline is along a designated river, check the Adirondack Park Land Use and Development Plan Map, or the APA Regulations Appendix Q-6, or contact Agency staff.)
 No
 Yes - If Yes, describe type, amount and location of vegetation to be removed:

- 14. Wetlands:** Are there any wetlands on the project site?
 No - If No, go to [Question 15](#): Other Regulatory Permits and Approvals
 Yes - If Yes, answer the following questions (a-c). The wetland boundaries as delineated and/or confirmed by Agency staff must be shown and labeled on the Site Plan Map.
- a. Are any of the activities listed below proposed to occur within the boundaries of a freshwater wetland?
 No

- Yes* - If Yes, check all that apply:
- Draining; dredging; excavation; removing soil, peat, muck, sand, shells or gravel
 - Dumping or filling with soil, stone, sand, gravel, mud, or fill of any kind
 - Erecting structures, building roads or driveways, driving pilings, or placing any other obstructions
 - Clearcutting of more than three (3) acres: state number of acres _____
 - Applying pesticides or fertilizers
 - Constructing a wastewater treatment system or discharging a sewer outfall

*If Yes, please also provide a detailed written description of the measures taken to avoid or minimize wetland impacts:

- b. Will the project result in the temporary or permanent loss of any wetland acreage by filling or draining?
- No
- Yes - If Yes, amount of acreage to be lost: _____ square feet.
- c. Will any of the activities listed below occur within 100 feet of a wetland?
- No
- Yes - If Yes, check all that apply:
- Constructing a wastewater treatment leaching or absorption facility
 - Applying pesticides
 - Conducting other activities that could impair the functions or benefits derived from wetlands, including any diversion of water or change in hydrology, or substantial increase of erosion or sedimentation

If Yes was checked for any of the questions in this section, a compensatory wetland mitigation plan prepared in accordance with the "[New York State Adirondack Park Agency Compensatory Mitigation Guidelines](#)" may be required. A copy of these guidelines is available on the Agency's website (www.apa.ny.gov) or upon request.

- 15. Other Regulatory Permits and Approvals:** The Agency cannot approve a project which has been denied a permit or which is a prohibited use under local zoning requirements and other local laws or ordinances. The Agency will also recognize community goals expressed in a formally adopted land use plan. The project should be designed to the regulatory requirements of other involved agencies.
- a. Local Government Notice Form: Provide, as **Attachment G**, a completed copy of the enclosed Local Government Notice Form to the municipality in which your project is located. Have it filled out and signed by an appropriate official (Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and return it with the project application. Please read the form for instructions.
Local Government Notice Form attached.
 - b. Municipal Approval Documents: If local approval has been obtained for the proposed project, then provide, as **Attachment H**, documentation (permit, site plan approval, final subdivision plat, etc.) to the Agency which confirms that the project has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the project has been discussed. (This last request is continuous; the information should be provided to the Agency as it becomes available.)
 - c. State and Federal Agency Contacts: Complete the following table and indicate whether any of the following agencies or departments have been contacted. Your APA application may remain incomplete until all state agency applications are complete, to allow a coordinated review.

Agency	No	Yes	Date	Contact Person & Phone Number
NYS Department of Health				
NYS Department of Transportation				
NYS Department of Environmental Conservation				
NYS Office of Parks, Recreation & Historic Preservation				
NYS Department of Law				
U.S. Army Corps of Engineers				
Lake George Park Commission				
Other				

- d. State and Federal Permits, Approvals and Determinations: Provide, as **Attachment I**, copies of all permits, approvals and determinations received from the above agencies.
NYSDEC Mined Land Reclamation Permit attached.

16. Project Applicant(s)/Landowner(s) Signatures:

I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION, INCLUDING ALL ATTACHMENTS. I BELIEVE THIS INFORMATION TO BE TRUE, ACCURATE AND COMPLETE. IN ADDITION, IN THE CASE OF ANY PROJECT SPONSOR CORPORATION, LIMITED LIABILITY CORPORATION, PARTNERSHIP OR OTHER LEGAL ENTITY, I ALSO AFFIRM THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION ON BEHALF OF THAT ENTITY.

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY, AT REASONABLE TIMES AND WITH ADVANCE NOTICE WHERE POSSIBLE, TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT.

**Signature(s) of all Project Applicant(s) (if not the landowners):
(Required for all applications)**

<i>David A. Shank</i>	David A. Shank/Aggregates Performance Manager	7-31-2024
Signature (type or sign)	First & Last Name/Title (if applicable)	Date

**Signature(s) of all Landowner(s) from current deed:
(Required for all applications)**

<i>[Handwritten Signature]</i>	<i>Robert Gibbault Regional Manager</i>	<i>11-24-25</i>
Signature (type or sign)	First & Last Name/Title (if applicable)	Date

Please provide all the required information and submit by email to
APAsubmissions@apa.ny.gov

Attachment A

Provide tax map references (tax map, block and parcels numbers) landowner names, and mailing addresses for all properties adjoining the project site, including those across public roads and rights-of-way.

Example: 155-1-27 Mr. John Doe Main Street Jay, New York 12941		

- ✓ Attachment B - [Question 8: Deed](#)
- ✓ Attachment C - [Question 9a](#): Current Deed Restrictions and Easements
- ✓ Attachment D - [Question 9b](#): Proposed Deed Restrictions and Easements
- ✓ Attachment E - [Question 11ci](#): Property History, Deeds
- ✓ Attachment F - [Question 11cii](#): Property History, Survey Maps
- ✓ Attachment G - [Question 15a](#): Local Government Notice Form
- ✓ Attachment H - [Question 15b](#): Municipal Approval Documents
- ✓ Attachment I - [Question 15d](#): State and Federal Permits, Approvals and Determinations



ST LAWRENCE COUNTY – STATE OF NEW YORK
 MARY LOU RUPP, COUNTY CLERK
 48 COURT STREET, CANTON, NEW YORK 13617

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



INSTRUMENT #: R-2017-00006716

Receipt#: 2017526393
 Clerk: PD
 Rec Date: 05/23/2017 12:48:00 PM
 Doc Grp: RP
 Descrip: DEED
 Num Pgs: 11

Party1: GRAYMONT MATERIALS INC
 Party2: UPSTONE MATERIALS INC
 Town: ALL TOWNS

Recording:

Pages	55.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP 584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 350.00

Transfer Tax
 Transfer Tax 376.00

Sub Total: 376.00

Total: 726.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 3059
 Standard Transfer Tax
 Consideration: 93554.09

Transfer Tax 376.00

Total: 376.00

Record and Return To:

BROWNELL ABSTRACT
 MAILBOX



Mary Lou Rupp

Mary Lou Rupp
 St Lawrence County Clerk

WARNING***

** Information may change during the verification process and may not be reflected on this page.

R-2017-00006716

05/23/2017 12:48:00 PM

DEED

11 Pages

Mary Lou Rupp, St Lawrence County Clerk

RECEIVED AT
ST. LAWRENCE COUNTY
CLERK'S OFFICE

2017 MAY 23 P 12:48

**BARGAIN AND SALE DEED WITH LIEN COVENANT
AND COVENANT AGAINST GRANTOR'S ACTS
(Branch 248, Huggard Pit Site)**

THIS INDENTURE, made the 12th day of May, 2017, between

GRAYMONT MATERIALS (NY) INC., a Nevada corporation, successor by merger to Potsdam Stone and Concrete, Inc., a New York corporation, a/k/a Potsdam Stone & Concrete Inc., with an address of 200-10091 Shellbridge Way, Richmond, British Columbia, Canada V6X 3C6 ("Grantor"),

AND

UPSTONE MATERIALS INC., a New York corporation with an address of c/o Barrett Industries Corporation, 3 Becker Farm Road, Suite 307, Roseland, New Jersey 07068 ("Grantee").

WITNESSETH, that the Grantor, in consideration of **One and 00/100 Dollar (\$1.00)**, lawful money of the United States, and other good and valuable consideration, paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, being more particularly described on Schedule A, attached to, incorporated in, and made a part of this instrument.

TOGETHER WITH all right, title and interest of the Grantor, if any, in and to the highway, and all gores and strips of land, easements, rights and rights of way, adjacent to or used in connection with the premises.

SUBJECT TO easements, covenants and restrictions of record.

TOGETHER with the improvements and appurtenances, and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the successors and assigns of the Grantee forever.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance, and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

(Signature Page Follows)

Record and return to:
Holland & Hart LLP
555 17th Street, Suite 3200
Denver, Colorado 80202
Attention: W. Craig Willis

SCHEDULE A

PART OF ATTACHED DEED

GRAYMONT MATERIALS (NY) INC. – UPSTONE MATERIALS INC.

HUGGARD PIT LEGAL DESCRIPTION
TITLE NO. 30-361415

ALL THAT TRACT OF LAND, situate in the Towns of Colton and Parishville, County of St. Lawrence, and State of New York, described as follows:

BEGINNING at a point in the South bounds of N.Y.S. Highway Route 56 at its intersection with the center of a 20-foot wide private gravel road leading to a gravel quarry, said point distant 1,263.5 feet Southeasterly of a concrete monument found in the South bounds of said Highway, said point having N.Y.S. East Zone Grid coordinates North=1,623,598.4 East=375,362.1, and running;

1) thence on a grid bearing South 61° 39' 10" East a distance of 1,160.83 feet along the South bounds of N.Y.S. Route 56 to a point of curvature;

2) thence Southwesterly an arc distance of 179.6 feet on a curve concave to the Northeast with a radius of 1,860 feet along the South bounds of said N.Y.S. Route 56 a point of tangency;

3) thence South 67° 11' 30" East a distance of 968.30 feet along the South bounds of N.Y.S. Route 56 to a point, said point situate approximately 150 feet Northwest of the intersection of the South bounds of said Highway with the projected centerline of Stark Road;

4) thence South 10° 48' 40" West a distance of 2,073.08 feet along a line of blazed trees to an iron re-rod set this course passes through iron re-rods set distant 6.8 feet and 117 feet from the South Bounds of N.Y.S. Route 56;

5) thence South 54° 41' 05" West a distance of 191.73 feet along a blazed line to an iron re-rod set;

6) thence South 08° 22' 10" West a distance of 172.20 feet along a blazed line to the center of a bridge for a 10 foot gravel road crossing over Cold Brook;

7) thence South 67° 38' 00" West a distance of 143.8 feet along the center of said gravel road to an iron re-rod set at an angle point therein;

8) thence in a Southerly direction along the center of said road a distance of approximately 677 feet to an iron re-rod set;

9) thence in a Southwesterly direction along the center of said road a distance of approximately 810 feet to an iron railroad spike set at its intersection with a gravel road leading Northerly to a private camp;

10) thence in a Southwesterly direction along the center of said road a distance of approximately 648 feet to a point;

11) thence in a Northerly direction along the center of said road a distance of approximately 425 feet to an iron railroad spike set at its intersection with a gravel road leading Southwesterly;

12) thence in a Southwesterly direction along the center of said road a distance of approximately 462 feet to an iron re-rod set at its intersection with a 10 foot wide gravel road leading Northerly;

13) thence in a Northerly direction along the center of said 20 foot wide gravel road a distance of approximately 2,745 feet to an iron railroad spike set at its intersection with a 20 foot wide gravel road;

14) thence in a Northerly direction along the center of said 20 foot wide gravel road a distance of approximately 1,001 feet to a point where said road crosses Cold Brook;

15) thence in a Northeasterly direction along the center of said road a distance of 890.6 feet to a point;

16) thence North 04° 35' 30" East a distance of 794.1 feet along the center of said 20 foot gravel road to the point of beginning,

CONTAINING 215.92 acres of land, more or less, as surveyed January 18, 1989, by Frederick Wilhelm, L.S. 49484, of Webb-Wilhelm Land Surveyors.

Party of the first part grants to the party of the second part any and all rights which it has and which it reserved to itself under a deed between Cold Brook Sand and Gravel Corporation and the Little Stillwater Holding Corporation dated February 6, 1989, and recorded in the St. Lawrence County Clerk's Office on February 16, 1989, in Liber 1026 of Deeds at page 1141.

EXCEPTING AND RESERVING THE FOLLOWING PARCEL:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Colton, County of St. Lawrence, State of New York and bounded and described as follows:

BEGINNING at an iron re-rod set in the center of a 10 foot wide gravel road, said iron re-rod being North 28° 14' 39" east, 40.15 feet from where said gravel road is intersected by the light pole line, said iron re-rod also being 3,206.2 feet southwesterly from the northeast corner of lands owned by Potsdam Stone and Concrete, Inc. and more particularly described in a deed dated March 20, 1990 and recorded in the St. Lawrence County Clerk's Office on June 12, 1990 in Liber 1040 of Deeds at Page 178; thence along the centerline of a 10 foot wide gravel road the following courses and distances:

1. thence south 28° 14' 39" west, 55.46 feet to a point;
2. thence south 45° 03' 46" west, 195.18 feet to a point;
3. thence south 38° 43' 37" west, 116.23 feet to an iron re-rod set in the center of a 10 foot gravel road;

thence; north 62° 51' 15" west, 160.00 feet through the lands of Potsdam Stone & Concrete, Inc. (Liber 1040 Page 178) to an iron re-rod set;

thence; north 11° 04' 12" west, 190.02 feet through the lands of Potsdam Stone & Concrete, Inc. to an iron pipe found;

thence north 38° 08' 32" east, 184.00 feet through the lands of Potsdam Stone & Concrete, Inc. to an iron re-rod set;

thence south 67° 14' 44" east, 327.85 feet through the lands of Potsdam Stone & Concrete, Inc. to the point of beginning;

Containing 2.238 acres of land as surveyed by Haynes & Smith Associates, Professional Land Surveyors, during April of 1990. A map describing said premises is attached hereto

Also conveying a 15 foot right-of-way which is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Colton, County of St. Lawrence, State of New York and bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Colton, County of St. Lawrence, State of New York and bounded and described as follows:

Commencing at an iron re-rod set in the centerline of a 10 foot wide gravel road at the southeast corner of the above described 2.238 acre parcel of land, thence north 62° degrees 51 minutes 15 seconds west, 141.83 feet along the southerly line of said 2.238 acre parcel to the point of beginning of a 15 foot wide right-of-way; thence along the centerline of a 15 foot wide right-of-way the following courses and distances;

1. thence south 17° 50' 17" west, 36.01 feet to a point;
2. thence south 26° 09' 54" west, 42.81 feet to a point;
3. thence south 38° 18' 28" west, 58.75 feet to a point;
4. thence south 44° 18' 20" west, 251.71 feet to the centerline of a 10 foot wide gravel road;

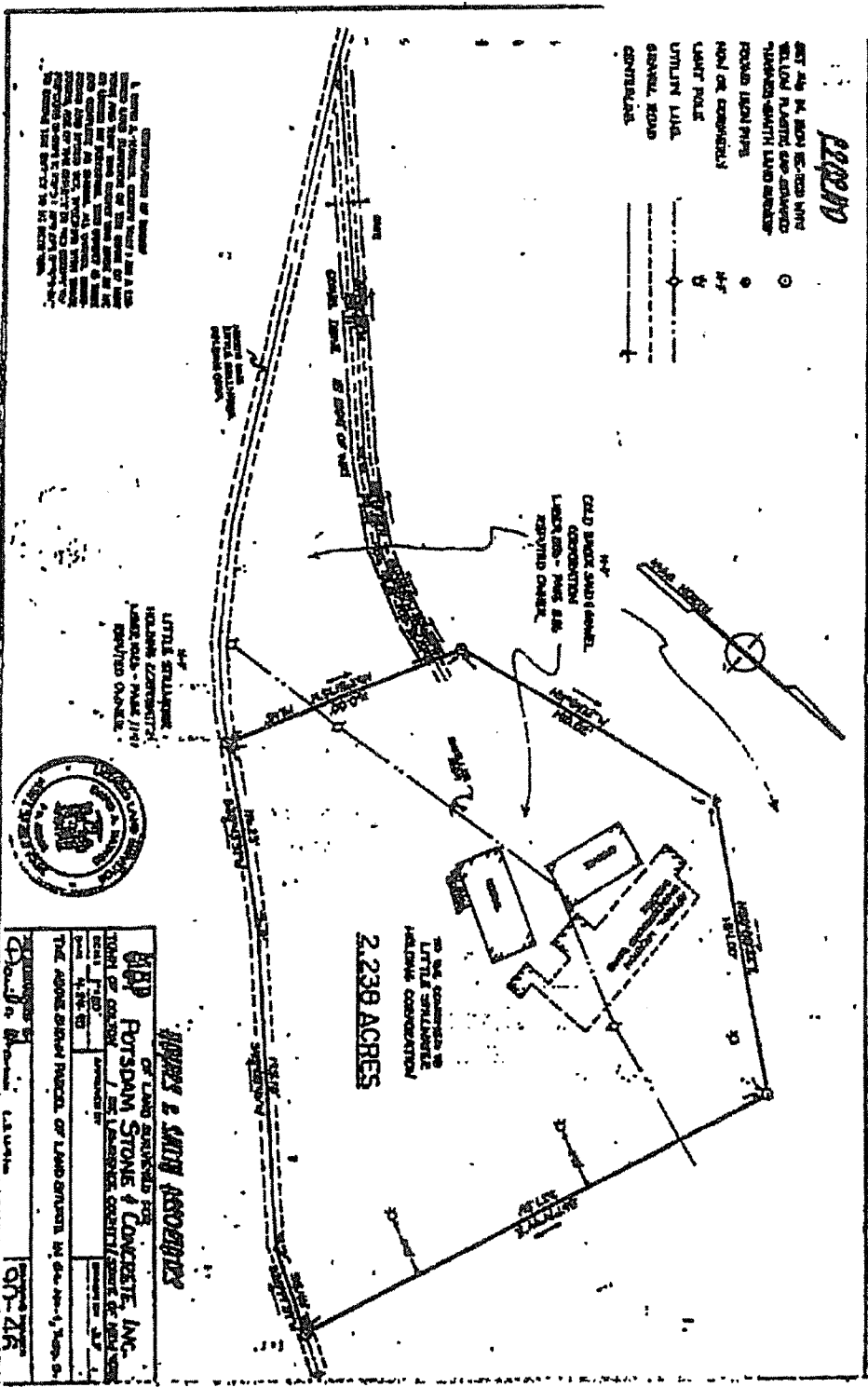
The above described parcels of land are described from grid north, New York State Transverse Mercator Projection, Eastern Zone.

The above described parcels are a part of the premises owned by Potsdam Stone & Concrete, Inc. as filed in the St. Lawrence County Clerk's Office in Canton, New York on the 12th day of June 1990 in Liber 1040 of Deeds at Page 178.

ALSO CONVEYING an easement for ingress and egress, by persons and vehicles, to the parcel conveyed from the State Highway. The easement is along a road which extends from the State Highway along the westerly bounds of the Grantors' property; thence northerly along the bounds of the Grantors' property to the easterly bounds of the property herein conveyed.

RECORD

- SET 4th N. 80th SEC. 10th T19N R10E
- WILLIAM PLANTING CO. (RECORDED)
- PLANTING WITH LAND BOUNDARY
- FOUNDED LION PINE
- NO. 1 OR CONCRETE
- UTILITY LINE
- GENERAL ROAD
- CONCRETE



Map
POTSDAM STONE & CONCRETE, INC.
 OF LAND ASSOCIATES FOR
 THE ABOVE SHOWN PARCELS OF LAND SHOWN IN 4th, 5th & 6th S.

DATE OF RECORD	APPROVED BY
DATE OF RECORD	APPROVED BY
DATE OF RECORD	APPROVED BY

THE ABOVE SHOWN PARCELS OF LAND SHOWN IN 4th, 5th & 6th S.

The foregoing property also described in accordance with an ALTA/NSPS Land Title Survey prepared by C.T. Male Associates, dated May 12, 2017, as more fully set forth below:

All that certain tract, piece or parcel of land situate in Section 43 Township 11 (Wick), Town of Parishville, County of St. Lawrence, State of New York, and also Section 1 Township No. 8 (Hollywood), Town of Colton, County of St. Lawrence, State of New York, lying Southwesterly of New York State Route 56, and being more particularly bounded and described as follows:

BEGINNING at a point on the Southwesterly highway boundary of New York State Route 56 at its point of intersection with the division line between the lands now or formerly of Potsdam Stone and Concrete, Inc. as described in Book 1040 of Deeds at Page 178 on the East and the lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the West, said point being in the centerline of a 20-foot-wide private gravel road leading to the gravel quarry, said point being located in the New York State Plane Coordinate System East Zone NAD 1983/96 at North 2,048,240.29 (Y) feet, East 411,111.261 (X) feet and runs thence from said point of beginning along said Southwesterly highway boundary of New York State Route 56 South 61 deg. 39 min. 10 sec. East 29.09 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. as described in Book 1040 of Deeds at Page 178 on the West and the lands now or formerly of Janice Young as described in Instrument No. R-2011-008564 on the East; thence South 04 deg. 43 min. 06 sec. West along the last mentioned division line 920.37 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the South and the said lands now or formerly of Janice Young on the North; thence North 82 deg. 55 min. 34 sec. East along the last mentioned division line 672.34 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the East and the said lands now or formerly of Janice Young on the West; thence North 10 deg. 21 min. 39 sec. West along the last mentioned division line 581.19 feet to its point of intersection with the Southwesterly highway boundary of New York State Route 56; thence along said Southwesterly highway boundary the following three (3) courses: 1) South 61 deg. 39 min. 10 sec. East 578.40 feet to a point of curvature; 2) in a Southeasterly direction along a curve to the left having a radius of 1,860.00 feet, an arc length of 179.60 feet and a chord bearing of South 64 deg. 25 min. 08 sec. East 179.53 feet to a point of tangency; and 3) South 67 deg. 11 min. 30 sec. East 968.30 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the West and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the East; thence along said division line the following two (2) courses: 1) South 10 deg. 48 min. 40 sec. West 2,073.08 feet to a point; and 2) South 08 deg. 22 min. 10 sec. West 191.73 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northwest and the said lands now or formerly of Little Stillwater Holding Corporation on the Southeast; thence along said the division line the following two (2) courses: 1) South 54 deg. 41 min. 05 sec. West 172.20 feet to the center of a bridge for a 10-foot-wide gravel road crossing over the Cold Brook; and 2) South 57 deg. 38 min. 00 sec. West 143.80 feet along the centerline of said gravel road to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the West and the said lands now or formerly of

Little Stillwater Holding Corporation on the East and along the centerline of a gravel road as it winds and turns 612± feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northeast and other lands now or formerly of Little Stillwater Holding Corporation as described in Book 1042 of Deeds at Page 826 on the Southwest, the tie for the last meander course being South 19 deg. 28 min. 41 sec. West 597.98 feet; thence North 67 deg. 14 min. 44 sec. West along the last mentioned division line 327.86 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northwest and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1042 of Deeds at Page 826 on the Southeast; thence South 38 deg. 08 min. 32 sec. West along the last mentioned division line 184.00 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the West and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1042 of Deeds at Page 826 on the East; thence South 11 deg. 04 min. 12 sec. East along the last mentioned division 190.02 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Southwest and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1042 of Deeds at Page 826 on the Northeast; thence South 62 deg. 51 min. 15 sec. East along the last mentioned division line 160.00 feet to its point of intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northwest and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the Southeast; thence along said division line and along the centerline of a gravel road in a Southwesterly direction 440± feet to its point of intersection with a gravel road leading to a private camp, the tie for the last described meander course being South 57 deg. 31 min. 43 sec. West 436.42 feet; thence continuing along the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northwest and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the Southeast along the centerline of a gravel road in a Southwesterly direction 660± feet to a point, the tie for the last described meander course being South 58 deg. 28 min. 24 sec. West 639.79 feet; thence continuing along the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northeast and the said lands now or formerly of Little Stillwater Holding Corporation on the Southwest in a Northwesterly direction and along the centerline of an existing gravel road as it winds and turns 425± feet to its point of intersection with the centerline of a gravel road leading to the Southwest at its intersection with the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Northwest and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the Southeast, the tie for the last described meander course being North 36 deg. 54 min. 21 sec. West 390.14 feet; thence in a Southwesterly direction along the centerline of said gravel road as it winds and turns 450± feet to its point of intersection with the centerline of an existing gravel road marking the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the East and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the West, the tie for the last described meander course being South 36 deg. 45 min. 10 sec. West 410.25 feet; thence along the last mentioned division line and along the centerline of said 10-foot-wide gravel road in a Northerly direction 2,732± feet to its intersection with a 20-foot-wide gravel road, the tie for the last described meander course being North 14 deg. 06 min.

47 sec. West 2,690.02 feet; thence continuing along the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Southeast and the said lands now or formerly of Little Stillwater Holding Corporation as described in Book 1026 of Deeds at Page 1141 on the Northwest in a Northeasterly direction and along the centerline of said 20-foot-wide gravel road as it winds and turns 961± feet to a point where said road crosses the Cold Brook, the tie for the last described meander course being North 30 deg. 41 min. 26 sec. East 906.24 feet; thence in a Northeasterly direction continuing along the centerline of said 20-foot-wide gravel road and marking the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the Southeast and the said lands now or formerly of Little Stillwater Holding Corporation on the Northwest 882± feet to a point, the tie for the last described meander course being North 40 deg. 42 min. 05 sec. East 862.13 feet; thence in a North,erly direction continuing along the centerline of said 20-foot-wide gravel road marking the division line between the said lands now or formerly of Potsdam Stone and Concrete, Inc. on the East and the said lands now or formerly of Little Stillwater Holding Corporation on the West, North 04 deg. 35 min. 30 sec. East 794.10 feet to the point or place of beginning.

BEING the same premises which Cold Brook Sand and Gravel Corporation by deed dated March 20, 1990 and recorded June 12, 1990 in the St. Lawrence County Clerk's Office in Liber 1040 of Deeds at Page 178, granted and conveyed unto Potsdam Stone & Concrete, Inc., a New York corporation.

AND the said Potsdam Stone and Concrete, Inc., a/k/a Potsdam Stone & Concrete Inc., merged with and into Plattsburgh Quarries, Inc., a Nevada corporation, now by name change known as Graymont Materials (NY) Inc.



LOCAL GOVERNMENT NOTICE FORM
for Project/Variance Application to the Adirondack Park Agency

The Adirondack Park Agency will not deem an application complete until the appropriate municipal official in the Town/Village where a project is located has completed, signed and returned this form to the Agency.

If the Town/Village where the project site is located has zoning or other regulations which apply to the proposal, the Adirondack Park Agency will be unable to issue a permit if: (a) the Town/Village has either refused to grant a necessary permit or variance, or (b) the proposal is a prohibited use in that jurisdiction.

To be completed by the Applicant:
APA Project Number (if available):
Applicant Name: Upstone Materials, Inc. Landowner Name: Upstone Materials, Inc.
Project site location: Town/Village: Colton Tax Map Number: 136.000-3-24
Project type/description: Modification of DEC Mining Permit to add 19.0+/-acres to the life of mine area.

If the project involves a subdivision, please provide the appropriate local official a copy of the proposed plat as part of the project description with the plan title and date recorded in the space provided above.

To be completed by the Town/Village:

Does the Town/Village have land use controls? [X] Yes [] No

If Yes, please complete 1-9 below. If No, please skip to #9 below.

- 1) If the Town/Village has zoning, provide Zoning District Name(s): R U I
2) How is the "use" defined under the local code? Zoning District table : 9 LL No 2-2021
Is the "use" allowed in the zoning district(s)? [X] Yes [] No
3) Is the project prohibited by any local law or ordinance? [] Yes [X] No
4) Does this project require a municipal permit? [X] Yes [] No
a) If Yes, is the required permit a building permit only? [X] Yes [] No
b) If No, identify the type of permit required:
5) Does this project require a municipal variance? [] Yes [X] No
If Yes, identify the type of variance required (e.g., area, setback, etc.)
6) Does the project require any other municipal approval? [] Yes [X] No
If Yes, identify the approval required:
7) Has the municipality received an application for this project? [] Yes [X] No
If Yes, has the municipality issued any decision on this project? [] Yes [] No
8) Provide explanation for any decisions on this project or inconsistencies the project may have with local laws or any comments you wish to provide to the Agency about the project:

9) Please provide a daytime contact telephone number with the best days/times to be reached, and/or an email address for the official signing this form, should Agency staff have further questions regarding municipal review of this project: (315) 262 2810 ext 3 best times 9-4
e-mail: code envf@TownofColton.com

Signature of Zoning Official or Planning Board Chair (or Supervisor/Mayor if no such official exists)

Darren Richards
Name and Title (Print)

11/12/25
Date

Please return this completed & signed form to the address or fax number below.



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

UPSTONE MATERIALS INC.
111 Quarry Rd
Plattsburgh, NY 12901
(518) 561-5321

Facility:

COLD BROOK PIT
RTE 56
COLTON, NY 13625

Facility Location: in COLTON in ST LAWRENCE COUNTY **Village:** Colton

Facility Principal Reference Point: NYTM-E: 515.184 NYTM-N: 4921.2
Latitude: 44°26'38.2" Longitude: 74°48'33.1"

Project Location: NY Route 56

Authorized Activity: A five year permit to mine sand and gravel from a 200 acre parcel of land owned by the permittee. The approved operations involve a total of 13 acres of land to be affected by mining during the permit term. This affected acreage is within the limits of a "major project" mining activity, with a life of mine area of 13 acres, as identified in the approved mined land use plan prepared by Griggs-Land Consulting Geologists, Inc., dated 12/18/2013, and updated Mine Plan Map prepared by David Shank, P.G. dated December 6, 2023. Material processing will take place at this facility with portable equipment.

This mine is located approximately 3,000 feet southwesterly of Route 56, opposite Joe Indian Road, in the Town of Colton.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27

Permit ID 6-4028-00025/00001

(Mined Land ID 60057)

Renewal

Effective Date: 6/11/2024

Expiration Date: 5/31/2029



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JESSICA J HART, Regional Permit Administrator
Address: NYSDEC Region 6 Headquarters
State Office Building - 317 Washington St
Watertown, NY 13601

Authorized Signature: _____

A handwritten signature in black ink, appearing to read "Jessica Hart", written over a horizontal line.

Date 06/ 11 / 24

Distribution List

Town of Colton
ROBERT M KELLEY

Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign



MINED LAND RECLAMATION PERMIT CONDITIONS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such plans were approved by Robert Kelley, MLRS1 on February 1, 2024 and consist of the following items:

- Upstone Materials, Inc. Mine Permit Renewal and updated Mine Plan Map prepared by David Shank, P.G. dated 12/6/2023
- Upstone Materials Inc. Mine Plan Map prepared by Stategic Mining Solutions dated 11/27/2018
- Graymont Materials (NY) Inc., Mining Plan Map prepared by Griggs-Lang Consulting Geologists dated 12/18/2013
- Graymont Materials (NY) Inc., Modified Mining Plan prepared by Griggs-Lang Consulting Geologists dated 3/27/2008 and modified Reclamation Plan dated 6/3/2008
- Graymonnt Materials (NY) Inc., updated Mining Plan prepared by L. Sheltra dated 1/13/2003
- Graystone Materials Inc., Mining Plan prepared by L. Sheltra on 10/27/1997
- Graystone Materials Inc., (Potsdam Stone and Concrete) updated Mining Plan prepared by George L. Marshall Engineering Geologists dated 10/29/1992
- Potsdam Stone and Concrete Inc. Mining and Reclamation Plan prepared by George L. Marshall Engineering Geologists dated 8/9/1989

2. Strip and Stockpile Soils for Reclamation Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the Department.

3. No Unpermitted Discharge Outside Limits of Mine There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

4. Bond, Surety to Remain in Force Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.



5. Fueling of Equipment and Reporting of Spills Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the Department's Spill Response number for immediate access in the permittee's office and at the mine site.

6. Maintain Area Markers for Permit Term The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

7. Dust Control Water or other approved dust palliatives must be applied to haulageways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the mine property.

8. Human or Archaeological Remains If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator
NYSDEC Region 6 Headquarters
State Office Building - 317 Washington St
Watertown, NY13601

Work shall not resume until written permission to do so has been received from the Department.

9. Permit Does Not Apply to Structures and Safety Aspects Unless expressly provided for, the issuance of this permit does not apply to any structures contained on the plans or in the specifications, nor does this permit apply to safety aspects of the operation and/or reclamation plan.

10. Keep Roads Clean The surface of any paved road that intersects with the entrance/exit to the mine and the entrance/exit areas shall be kept free of any spilled and/or tracked materials which can cause dust, slippery conditions or any other condition that is unhealthy or unsafe.

11. Post Sign and Permit The enclosed permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements at all times.

12. No Wastes at Mine There shall be no disposal, storage, transfer or processing of trash or garbage, demolition debris, or other wastes regulated under the Environmental Conservation Law in the mine.



13. No C&D Debris Disposed Within Mine Site No construction and demolition debris as defined in Title 7 of Article 27 of the Environmental Conservation Law and as implemented by Title 6 of New York Code of Rules and Regulations, Part 360 shall be disposed of within the mine site unless the appropriate Solid Waste Management Facility Permit has been obtained in accordance with Part 360.

14. Minimum 25' Separation From Property Line No mining activity of any kind, including clearing and grubbing, shall occur within 25 feet of any adjacent property line or right-of-way. When mining is conducted lower than the adjacent property, the distance from the floor of the mine to the nearest property line shall be no closer than 25 feet plus 1 1/2 times the depth of the excavation.

15. Equipment at Mines Maintained to Minimize Noise Equipment operation and maintenance:

- a. All equipment to be used in mining and mineral processing shall be maintained in proper operating conditions.
- b. All factory installed or added environmental controls and suppressors and mufflers must be utilized at all times.
- c. Mining equipment shall be operated in a manner so as to reasonably minimize noise levels during operating hours.

16. No Deviation From Approved Plan The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.

17. Berms, Vegetation as Visual Screens The permittee shall provide vegetation, earth mounds or other means to reduce overall visibility of the mine site, equipment storage and processing areas. At all times the mine site is to be kept neat.

18. Retain Runoff Within Mine Stormwater runoff shall be retained within the pit area to the maximum extent practicable. All other appropriate measures shall be employed to prevent any silt, sediment or other contaminants from leaving the mine site.

19. Maintain Internal Drainage All drainage shall be directed internally throughout the life of this mining operation. All drainage and water control features shall be constructed to the extent necessary to achieve this. All drainage from this mine shall be directed to a properly-sized settling pond/retention basin or into a system of settling ponds/retention basins. (Minimum capacity is the capacity necessary to retain a 10-year storm event of 24 hours duration for the entire watershed, including drainage coming into the mine). There shall be no discharge of waters to any area outside the limits of the lands to be affected by mining over the life of this mining operation. Surface water shall not be allowed to drain in such a manner that siltation and/or sediment is carried outside the limits of the life of mine boundary onto neighboring properties or into any wetland, stream, river or other water body.



20. Replace Uppermost 6 Inches of Soil A minimum of 6 inches of topsoil that originated from the uppermost 6 inches of soils (encountered within the life of mine area prior to stripping) shall be replaced on all affected lands, including side slopes, at the time of reclamation.

21. Ongoing Reclamation The permittee shall provide that reclamation will be an ongoing continuous process to the extent practical that will not interfere with safe and efficient operation of the mine. Reclamation will commence immediately upon completion of mining. The site shall be satisfactorily revegetated no later than two years after the mining ceases.

22. File Termination Notice If the permittee discontinues operation, a termination notice must be filed within 30 days of termination of mining activities to the address below:

Regional Mined Land Reclamation Specialist
NYSDEC Region 6 Headquarters
State Office Building - 317 Washington St
Watertown, NY13601

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 6 Headquarters
State Office Building - 317 Washington St
Watertown, NY13601

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Mined Land Reclamation.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

The New York State
Department of Environmental Conservation
has issued a



MINING PERMIT



Pursuant to the Environmental Conservation Law for the mining operation being conducted in this site. For more information regarding the nature and extent of the work approved, contact the Mined Land Reclamation Specialist shown below. Please refer to the mine file number shown when contacting the DEC.

Mine File Number 60057

Permit Expiration Date: 5/31/2029

DEC Contact: Robert Kelley, Mined Land Reclamation Specialist Watertown, NY

Phone Number 315-785-2269

Note: This is not a Permit

Please send all application materials to apasubmissions@apa.ny.gov.

<p>ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov</p>	 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p>	<p>APPLICATION FOR MINING ACTIVITIES</p> <p>Supplemental Information Request</p>
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Applicability: This Supplemental Information Request, together with a General Information Request, is the application for an Adirondack Park Agency permit for jurisdictional mining activities, including extractions of sand, gravel, topsoil, minerals, stone and other material. Additional information, beyond what is requested by this application, may need to be submitted for certain projects, due to their location, size, scale of operations or other factors. Such additional information may include evaluations of project impacts on nearby land uses and open space, including land use area compatibility, noise, visual changes, and traffic.

Instructions: Please answer all of the applicable questions in each numbered section and provide all required attachments. Type or print clearly in ink. **Submit three completed copies of the General Information Request, this Supplemental Information Request, and all required attachments to the Agency at the above address.** A site visit by Agency staff will also be required. The Adirondack Park Agency Act provides that the time period for review of the proposed project will not begin until the Agency determines that the application is complete. The proposed project may not be undertaken until a permit has been issued by the Agency.

Assistance: For assistance in completing this application or to request a pre-application meeting, please contact the Agency's Regulatory Programs division at the above address/telephone number and/or refer to the Agency's website.

1. Project Sponsor and Authorized Representative:

(as shown on the General Information Request)

Project Sponsor: Upstone Materials, Inc.

Authorized Representative: David Shank, P.G.

2. Additional Technical Advisor or Consultant:

Name: _____

Contact Person: _____

Mailing Address: _____

Telephone (daytime): _____

FAX/E-mail: _____

3. Nearby Landowners:

Add to the list of names, addresses and tax map references for adjoining landowners in the General Information Request the same information for owners of land located within 500 feet of the project site. List Appended.

4. Government Approvals:

Provide a complete copy of any current NYS Department of Environmental Conservation mining and other permits and any Town permits and/or a complete copy of all application materials submitted for such approvals. NYSDEC Mined Land Reclamation Permit & Mined Land Use Plan appended.

5. Operating Profile:

- a. Indicate all types of material that are to be mined or extracted.
Sand & gravel
- b. Indicate the average and maximum projected annual production (in cubic yards) by material or product type.
Average annual production: 20,000 cubic yards; maximum: 50,000 cubic yards
- c. Separately state the months, days and hours of operation of the extraction, including facility construction and maintenance, extraction operations, material processing (e.g., screening and crushing), material loading and transportation.
The mine will be operational intermittently between March and November. Hours of are Monday through Friday 6am-6pm, Saturday 7am-1pm, closed Sundays & Holidays.
- d. State the maximum amount of land to be left in an open and un-reclaimed state at any one time: 20+/- acres.
- e. State the total amount of land proposed to be mined during the Life of Mine: 29.8+/- acres, total reserves 1,636,000+/- cubic yards and the total projected duration of the Life of Mine: 82+/- years.
- f. (Optional) Indicate the total number of part-time and full-time employees and total annual payroll.
- g. Identify each piece of stationary equipment (e.g., screening and crushing plants) and each piece of rolling stock (e.g., front end loaders, bulldozers and trucks) by their make, model, operating capacity and operating noise levels. (A professionally prepared study of noise impacts may be required, depending on the specific project location and combined operating noise levels. This aspect should be discussed with Agency staff prior to preparing such a study).
Please refer to Section 4.2 of the Mined Land Use Plan submitted with this application.
- h. Describe all measures proposed to minimize noise impacts.
Please refer to Section 4.2 of the Mined Land Use Plan submitted with this application.

- i. Describe all measures proposed to control dust.
Please refer to Section 4.1 of the Mined Land Use Plan submitted with this application.
- j. Describe and provide plans which detail the extent to which the extraction will be visible from public use areas (e.g., roads, lakes, trails, etc.) and neighboring properties. Describe how the placement or design of the project will minimize adverse visual and open space impacts. (A professionally prepared study of visual impacts may be required, depending on the specific project location and orientation. This aspect should be discussed with Agency staff prior to preparing such a study).
Please refer to Section 4.3 of the Mined Land Use Plan submitted with this application.
- k. Indicate the general market locations for each product and by-product.
Local market within 30+/-miles of the project site & Upstone concrete plants in the vicinity.
- l. Indicate the average and maximum projected number of daily loaded truck trips by truck type. An average of 8 truck trips/day, maximum of 30.
- m. Describe and map trucking routes, including the anticipated percentage of loaded truck trips using each route.
90% of trucks will travel north on NY 56, 10% south.

6. Blasting Information:

Will the extraction activities involve blasting?

No

Yes. If yes, provide the following:

- a. State the months, days and hours of operation of blasting and describe conditions under which blasting will not occur such as thermal inversions and thunderstorms.
- b. State the average and maximum number of blasts to occur monthly and annually.
- c. State the projected average and maximum amount of material (in cubic yards) to be removed by each blast event.
- d. Describe any blast monitoring proposed to be employed, including monitoring locations, whether both air blast and ground vibrations are to be monitored, the levels of air blast (in decibels) and ground vibrations (in peak particle velocity) to be maintained, and who will perform any such monitoring. (A professionally prepared study of air blast and ground vibration impacts related to blasting may

be required depending on the specific project location and identified levels of air blast and ground vibrations. This aspect should be discussed with Agency staff prior to preparing such a study).

- e. Describe any pre-blast surveys proposed to be conducted on the conditions of nearby structures and wells.
- f. Describe any provisions for notifications to area residents prior to blast events.

7. Mining and Reclamation Plan Maps and Narratives:

Provide three copies of all mining and reclamation plan maps and narratives as are required by the NYS Department of Environmental Conservation pursuant to the Mined Land Reclamation Law. Map scales should not exceed 1 inch equals 100 feet, five-foot field-verified contour intervals must be used, and critical resources such as wetlands, travel corridors, and buffers must be clearly depicted. Also, a phased Life of Mine Plan and Map and Narrative depicting and describing the sequencing, size and timing of all future mining must be provided. Generally speaking, this information must be prepared by a design professional such as NYS licensed surveyors or engineers, particularly for extractions exceeding a total of five acres of disturbed area and for all mineral extractions. (You are encouraged to discuss the technical considerations such as map scale, area coverage, reproduction capability and level of plan detail with Agency staff prior to their preparation to avoid added expense and unnecessary delays in the project review process). A Mined Land Use Plan is included with this application.

8. Character of Neighborhood:

- a. Do commercial or industrial uses exist within one-quarter mile of the project site?
 No
 Yes If yes, how many facilities? 1

Briefly describe each type (e.g., stores, sawmills, warehouses, etc.).

The Upstone Materials, Inc. Huggard mine.

- b. Are residences located within one-quarter mile of the site?
 No
 Yes If yes, how many residences?: _____

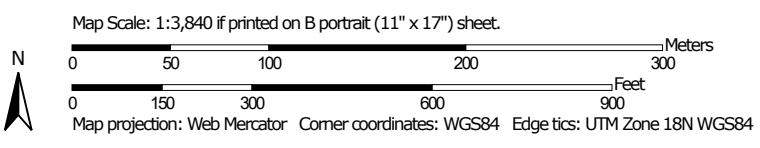
Are these residential units predominantly year-round or seasonal dwellings?

How close is the nearest residence to the project site? 1650+/- feet

Soil Map—St. Lawrence County, New York




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St. Lawrence County, New York
 Survey Area Data: Version 24, Sep 6, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 13, 2023—May 31, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
376D	Colton-Duxbury-Adams complex, 15 to 35 percent slopes	62.7	74.9%
380D	Colton-Duxbury-Dawson complex, 15 to 35 percent slopes	21.0	25.1%
Totals for Area of Interest		83.7	100.0%

Huggard Mine 2025 Mine Permit Modification Sound Level Attenuation Calculation Summary

Distance Attenuation: Combined Front-End Loader, OTR Dump Truck & Processing Plant operating closest to the nearest receptor

Use the following formula to determine attenuation due to distance:

Formula:
$$Lp_2 = Lp_1 - 20 \log_{10} (r_2/r_1)^*$$

Where:

r_1 is the shorter distance in the equation. In general, the shorter distance is the distance that the sound pressure level of the equipment was measured at (50 feet).

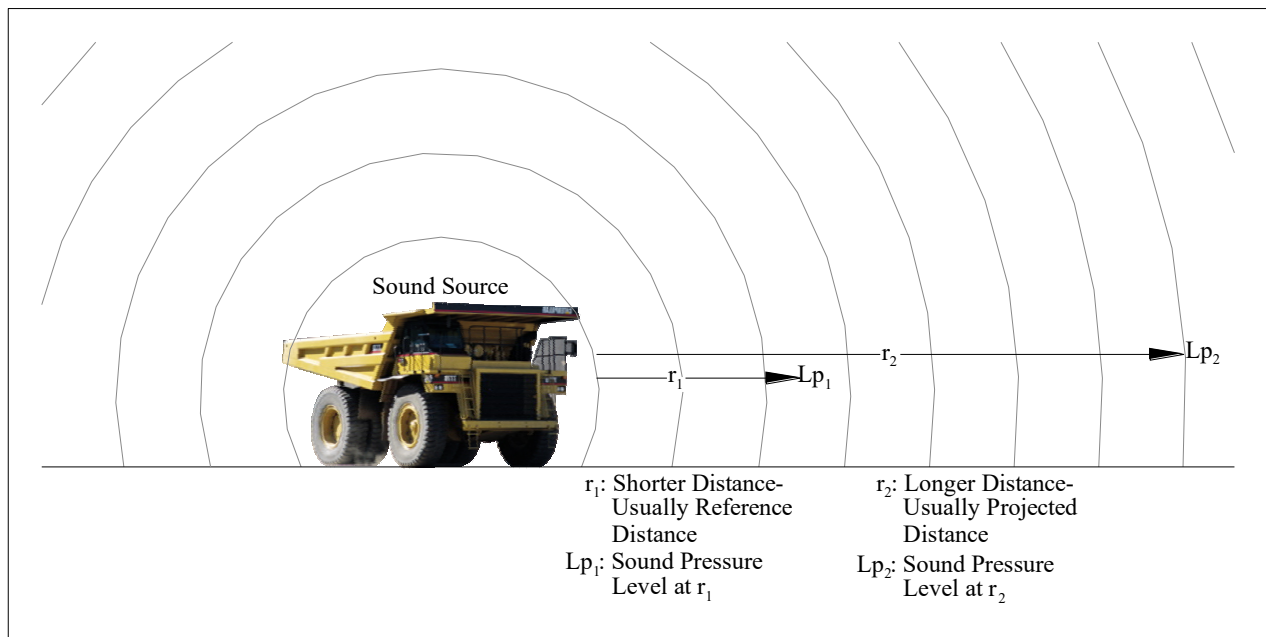
r_2 is the longer distance in the equation. In this case the longer distance is the distance between the nearest receptor and the combined noise source (1650 feet).

Lp_1 is the sound pressure level at distance r_1 . In this case it is the combination of the Loader, OTR Truck and Plant (85.5 dBA) operating closest to the nearest receptor. See Section 4.2.1.2 in the MLUP for sound level reference.

Lp_2 is the calculated sound pressure level at distance r_2 .

Note: This formula should only be used for distances greater than or equal to 50 feet.

Figure 1. The Relationship Between r_1 , r_2 , Lp_1 and Lp_2



Insert the appropriate variables and solve for L_{p2} :

$$\begin{aligned} L_{p2} &= 85.5 - 20 \log_{10} (1650/50) \\ &= 85.5 - 20 \times 1.519 \\ &= 85.5 - 30.4 \\ &= 55.1 \text{ dBA (sound level at receptor after distance attenuation)} \end{aligned}$$

Combined sound level of operating equipment is attenuated by 30.4 dBA by distance alone.

Barrier Attenuation Calculation

Barrier Attenuation

Attenuation due to barriers is calculated using the following formula:

Formula: $N^{0.5} = (2 (r_{SB} + r_{BR} - d_{SB} - d_{BR}) / \lambda)^{0.5*}$

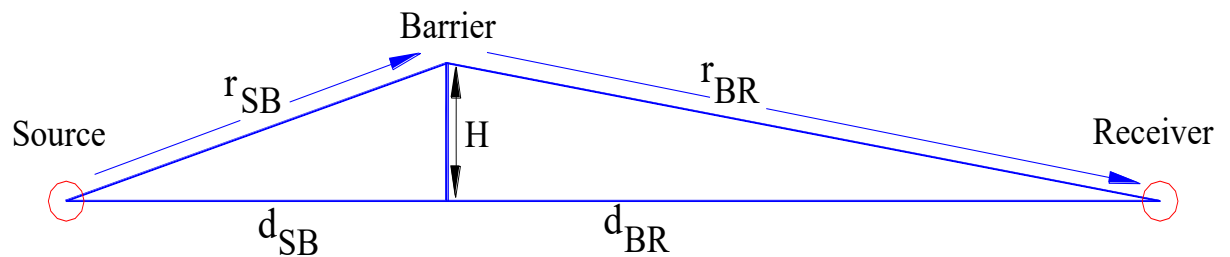


Figure 2. The relationship between the variable in the barrier attenuation formula.

Where:

$N^{0.5}$ = Fresnel Number used in the fresnel chart to determine the attenuation due to barriers.

r_{SB} = Distance from source to top of barrier

r_{BR} = Distance from top of barrier to receiver

d_{SB} = Straight line distance from source to barrier

* Noise and Vibration Control Engineering: Principles and Applications, Edited by Leo L. Beranek and Istvan L. Ver, John Wiley & Sons, Inc., New York, 1992.

d_{BR} = Straight line distance from barrier to receiver

λ = Wavelength in meters

The distances were determined by generating cross-sections using Carlson SurvCAD are:

r_{SB} = 148'

r_{BR} = 1691'

d_{SB} = 142'

d_{BR} = 1690'

λ = 1.129' ♣

♣ This wavelength was chosen because it produces attenuation values that are the closest equivalent to the attenuation values obtained utilizing a full octave band spectral analysis of the equipment involved in this study. The wavelength is calculated by dividing the speed of sound at standard temperature and pressure and dividing by the frequency in Hz.

Insert the appropriate variables and solve for $N^{0.5}$:

$$\begin{aligned} N^{0.5} &= (2 (148 + 1691 - 142 - 1690) / 1.129)^{0.5} \\ &= (2 (3 / 1.129))^{0.5} \\ &= (5.31)^{0.5} \\ &= 2.3 \text{ (Fresnel Number)} \end{aligned}$$

Use the fresnel number chart to obtain the barrier attenuation based on the calculated fresnel number (use the "any point source" line) as shown below:

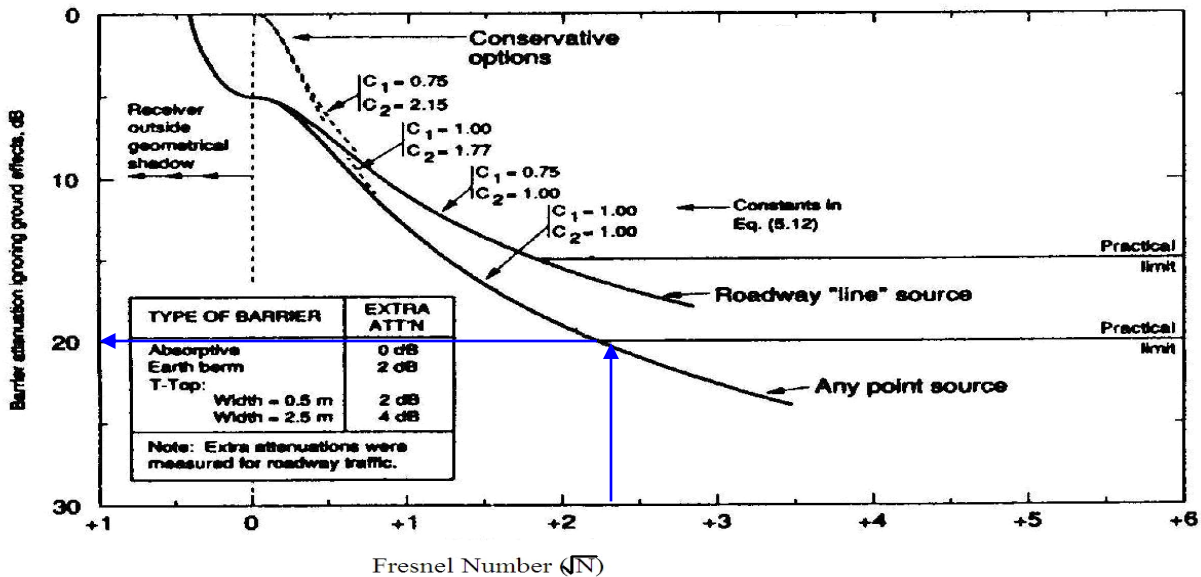


Figure 3. Cross Referencing the Fresnel Number to Obtain the Barrier Attenuation. Attenuation due to barriers derived from Fresnel Number (From Beranek).

Using the fresnel number of 3.52, the practical limit of **20 dB** of sound attenuation by the barrier is the result (as illustrated by the blue arrows on figure 3 above). Extra attenuation can be added to this value depending on the nature of the intervening barrier (see Extra Attenuation box in Figure 3). In this case the intervening barrier is an earthen structure so the attenuation is increased by 2 for a total of **22 dB**.

Summary of Sound Level Attenuation Factors

1. Attenuation by Distance = -30.4 dBA
2. Barrier Attenuation = -22 dBA

Combined Sound Level at the Source: 85.5 dBA
Distance & Barrier Attenuation: -52.4 dBA
Calculated Sound Level at the nearest receptor: **33.1 dBA**

March 11, 2025

Mr. David Shank
Upstone Materials, Inc.
111 Quarry Road
Plattsburgh, New York 12901

***Re: Wetland Delineation and Threatened & Endangered Species Review
Huggard Mine – NYSDEC Mine ID#: 60057
Town of Colton, St. Lawrence County, New York***

Dear Mr. Shank:

Pursuant to your request, North Country Ecological Services, Inc. (NCES) completed a wetland delineation and field assessment in search of New York State and federally regulated wetlands, and habitat conducive to endangered, threatened, and/or rare (ETR) species at the above referenced site. The New York State Department of Environmental Conservation (DEC) Environmental Resource Mapper (ERM), the National Wetland Inventory (NWI) mapping, and the Adirondack Park Agency (APA) wetland mapping graphic were reviewed for state and federally regulated mapped wetlands prior to the on-site field review. Only the portion of the property, north of the existing mine, and is planned for the mine expansion was reviewed for wetlands and ETR species. This portion of the property is referred as the “Review Area”.

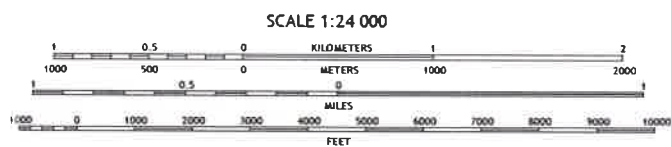
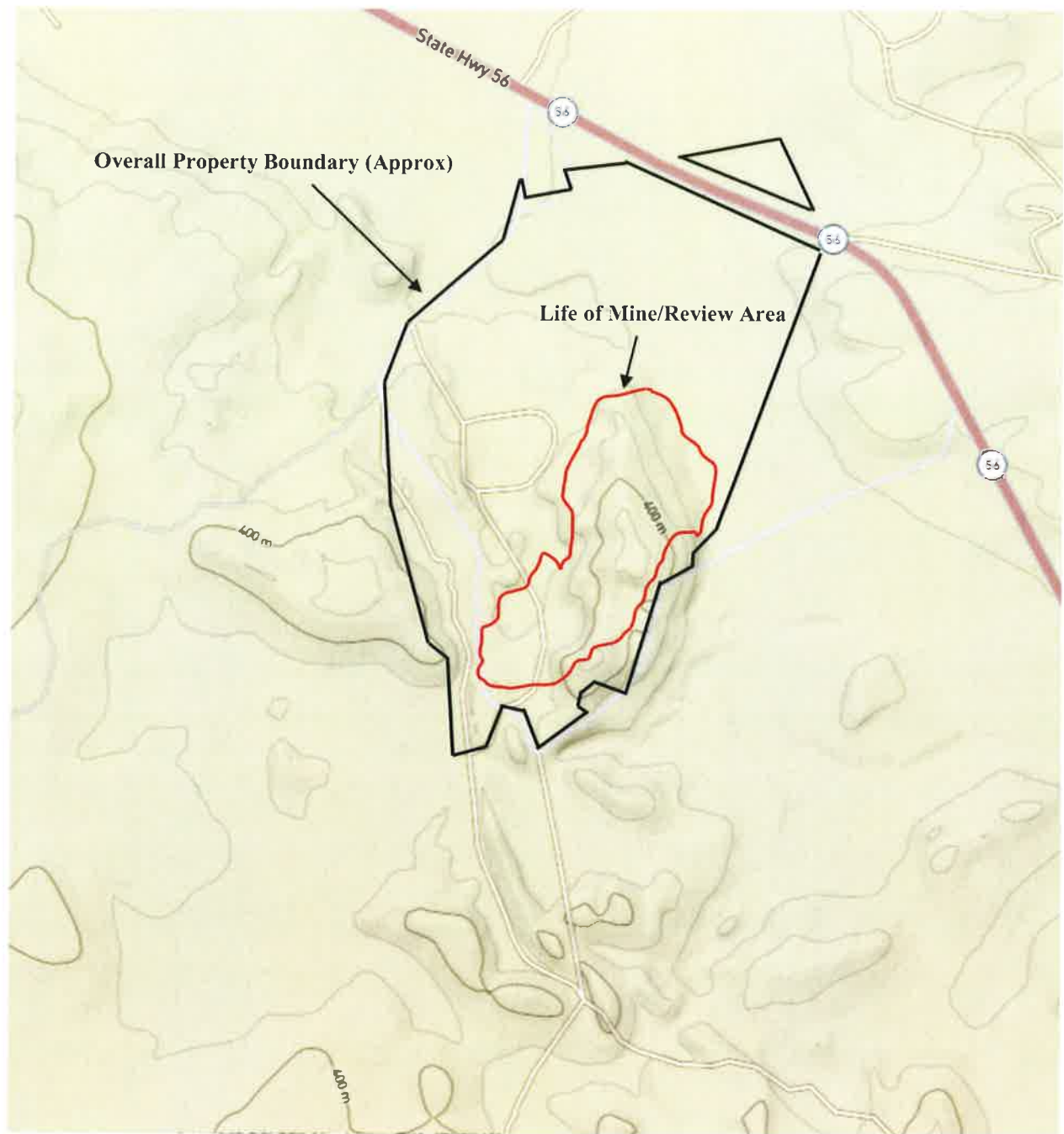
Site Location & Description

The subject property, is located to the south of New York State Highway 56 (NY-56), approximately 2,332 feet to the southwest of the intersection of NY-56 and Stark Road, in the Town of Colton, St. Lawrence County, New York (the “Site”), (Figure 1). The centralized coordinates of the Site are 44° 26' 44.00" Latitude, 74° 48' 28.24" Longitude (41.67 N, -73.98 W).

The Site is an active gravel mine surrounded by undeveloped forested land, Palustrine wetland communities, open water ponds, and single-family homes. Photographs documenting the existing conditions, taken during the wetland delineation, are attached.

Based on the definitions presented in the Ecological Communities of New York State (Edinger, 2002) and Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979), the following ecological communities have been identified on the Site:

- Gravel mine (Cowardin)
- Successional northern hardwood (Edinger)
- Palustrine emergent wetland (Cowardin)
- Open water pond (Edinger)



CONTOUR INTERVAL 10 FEET
 NORTH AMERICAN VERTICAL DATUM OF 1988
 This map was produced to conform with the
 National Geospatial Program US Topo Product Standard.

USGS Stark, N.Y.

Scale: 1:24,000



FIGURE 1 – Site Location Map

The approximate location and configuration of the ecological community types identified on the Site are shown on the Vegetative Cover Types graphic (Figure 2).

Delineation Methodology

Wetland boundaries would be delineated using the three-parameter methodology, as outlined in the *Corps of Engineers Wetland Delineation Manual* (1987 manual). The 1987 manual was used in accordance with the Corps of Engineers Appropriation Bill and the Johnson Amendment of August 17, 1991, which states that until revisions to the January 1989 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (1989 manual) are finalized, the Corps of Engineers will apply the 1987 manual to identify and delineate wetlands potentially subject to regulation under Section 404 of the Clean Water Act (CWA).

NCES also used information presented within the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual – Northcentral and Northeast Region* (January 2012) as further guidance for assessing and defining wetland boundaries. According to the 1987 Manual and Interim Regional Supplement, for an area to be classified as a wetland, it must exhibit hydrophytic vegetation, hydric soils, and wetland hydrology.

The routine on-site determination method was used to determine the wetland boundaries on the property. Vegetative, soils, and hydrologic data were collected and assessed by NCES Staff along the upland/wetland transitions. Vegetation was sampled using the quadrant sampling procedure. Transects were established perpendicular to the wetland boundaries to document the vegetation, soils, and hydrology of the on-site wetlands and uplands.

The U.S. Army Corps of Engineers (USACE) has also issued the *National List of Plant Species That Occur in Wetlands*, which lists species of vascular plants that are likely to occur in a wetland. The list separates the plants into five categories that determine the "wetland indicator status." A species indicator status is based on its frequency of occurrence in wetlands:

- *Obligate wetland* plants (OBL) occur almost always (estimated probability >99%) in wetlands under natural conditions.
- *Facultative wetland* plants (FACW) usually occur in wetlands (estimated probability 67-99%) but are occasionally found in upland.
- *Facultative* plants (FAC) are equally likely to occur in wetlands or uplands (estimated probability 34-66%).
- *Facultative upland* plants (FACU) are those species that normally occur in uplands but occasionally occur in wetlands (estimated probability 67-99%).
- *Upland* plants (UPL) species occur almost always in uplands (estimated probability >99%) under natural conditions (Federal Interagency Committee for Wetland Delineation, 1989).

Dominant plant species were determined for each vegetative stratum by estimating aerial cover. Dominant plant species are defined as those species in each stratum that, when ranked in decreasing order of abundance and when cumulatively totaled, exceed 50% of the total dominance measure for each stratum, plus any additional species that comprise 20% or more of the total dominance measure.

Soils were analyzed to depths of 12-24", below the A-horizon. Samples were taken in conjunction with the procedures outlined within the Regional Supplement. Soil samples are taken to determine Munsell Soil Color Chart designation, and hydric soils are identified by chroma (color) and value (shade intensity). Perennial, intermittent, and ephemeral streams are identified by the formation of banks, apparent streambeds, and high-water marks where extended hydrologic input has eroded/scoured channels in the soils. Vegetation, soils, and hydrology were analyzed to determine the wetland boundary.

Vegetation

During the delineation, a total of four (4) different ecological communities were identified. The ecological communities included: Gravel mine, Successional northern hardwood, Palustrine emergent wetland, and Open water pond. Each of these ecological communities possess different and distinct species of plants that assist in defining them. The dominant species of vegetation observed by NCES within each ecological community are identified below:

Some of the dominant species of vegetation documented immediately surrounding the Gravel mine included, but are not limited to: quaking aspen (*Populus tremuloides*), spotted knapweed (*Centaurea stoebe*), bladder campion (*Silene vulgaris*), yarrow (*Achillea millefolium*), creeping thyme (*Thymus serpyllum*), wild strawberry (*Fragaria virginiana*), dandelion (*Taraxacum officinale*), and pearly everlasting (*Anaphalis margaritacea*). There was little to no vegetation within the actively mined area due to exposed sands and gravels being utilized.

Some of the dominant species of vegetation within the Successional northern hardwoods ecological community included, but are not limited to: balsam fir (*Abies balsamea*), eastern hemlock (*Tsuga canadensis*), American beech (*Fagus grandifolia*), white pine (*Pinus strobus*), yellow birch (*Betula alleghaniensis*), striped maple (*Acer pensylvanicum*), intermediate wood fern (*Dryopteris intermedia*), threeleaf goldthread (*Coptis trifolia*), wild sarsaparilla (*Aralia nudicaulis*), Canada mayflower (*Maianthemum canadense*), sweet white violet (*Viola blanda*), Indian cucumber-root (*Medeola virginiana*), whorled wood aster (*Oclemena acuminata*), and heartleaf foamflower (*Tiarella cordifolia*).

Some of the dominant species of vegetation observed within the Palustrine emergent wetland ecological community included, but are not limited to: late goldenrod (*Solidago gigantea*), Rought-stemmed goldenrod (*Solidago rugosa*), soft rush (*Juncus effusus*), white meadowsweet (*Spiraea alba*), parasol whitetop (*Doellingeria umbellata*), calico aster (*Symphotrichum lateriflorum*), slender goldenrod (*Solidago tenuifolia*), sensitive fern (*Onoclea sensibilis*), New England aster (*Aster novae-angliae*), and pussy willow (*Salix discolor*). Poplar and red maple (*Acer rubrum*) saplings were noted within the emergent wetland area as well.

Some of the dominant species of vegetation within and surrounding the Open water pond ecological community included, but are not limited to: red maple (*Acer rubrum*), balsam fir, narrowleaf cattail (*Typha angustifolia*), black willow (*Salix nigra*), and white meadowsweet.

Soils

According to the St. Lawrence County Soil Survey from the USDA Natural Resources Conservation Service Web Soil Survey 3.2 (the “Soil Survey”), there are three (3) soil types that are found within the boundaries of the Site. These soils are: Colton-Duxbury-Adams complex, 0 to 3 percent slopes (376A); Colton-Duxbury-Adams complex, 15 to 35 percent slopes (376D); and Colton-Duxbury-Dawson complex, 15 to 35 percent slopes (380D).

Wetland Delineation Information

A delineation of vegetated wetlands and other waters of the United States (WOTUS) subject to the jurisdiction of the APA and the USACE pursuant to Section 404 of the CWA, was completed by NCES on September 17, 2024.

As a result of the wetland delineation and subsequent field survey, it was determined that one Palustrine emergent wetland, and two open water ponds exist within the boundaries of the Review Area. Wetland Area 1 appears to be a small area that originates from historic land use as it is a small depression that collects water in the portion of the property that appears to have been cleared 15-20± years ago for the mine. Wetland Area 2 is also a depression that appears to have been created as a result of previous land use. Areas 1 and 2 are smaller than 1.0 acre in size and would not be regulated by the APA. Area 3 is the emergent wetland fringe of a larger pond. The entire pond was not delineated due to its location outside of the 200’ distance from the proposed mine area. The Applicant and APA agree that those wetlands further than 200’ away from the Review Area do not require a formal delineation. The pond was surrounded by steep banks and its boundary is evident, and accurate, based on the aerial images of the pond.

Based on the findings regarding federal jurisdiction made during the delineation process, a hydrological connection with a tributary system of a navigable waterway was identified between Wetland Area 3, and off-site WOTUS. Therefore, this wetland is regulated by the USACE,

pursuant to Section 404 of the CWA. Its overall size, with the connections to the adjacent ponds and wetlands, exceed 1.0 acre and as a result, would be APA regulated as well.

APA & NWI Mapped Aquatic Resources

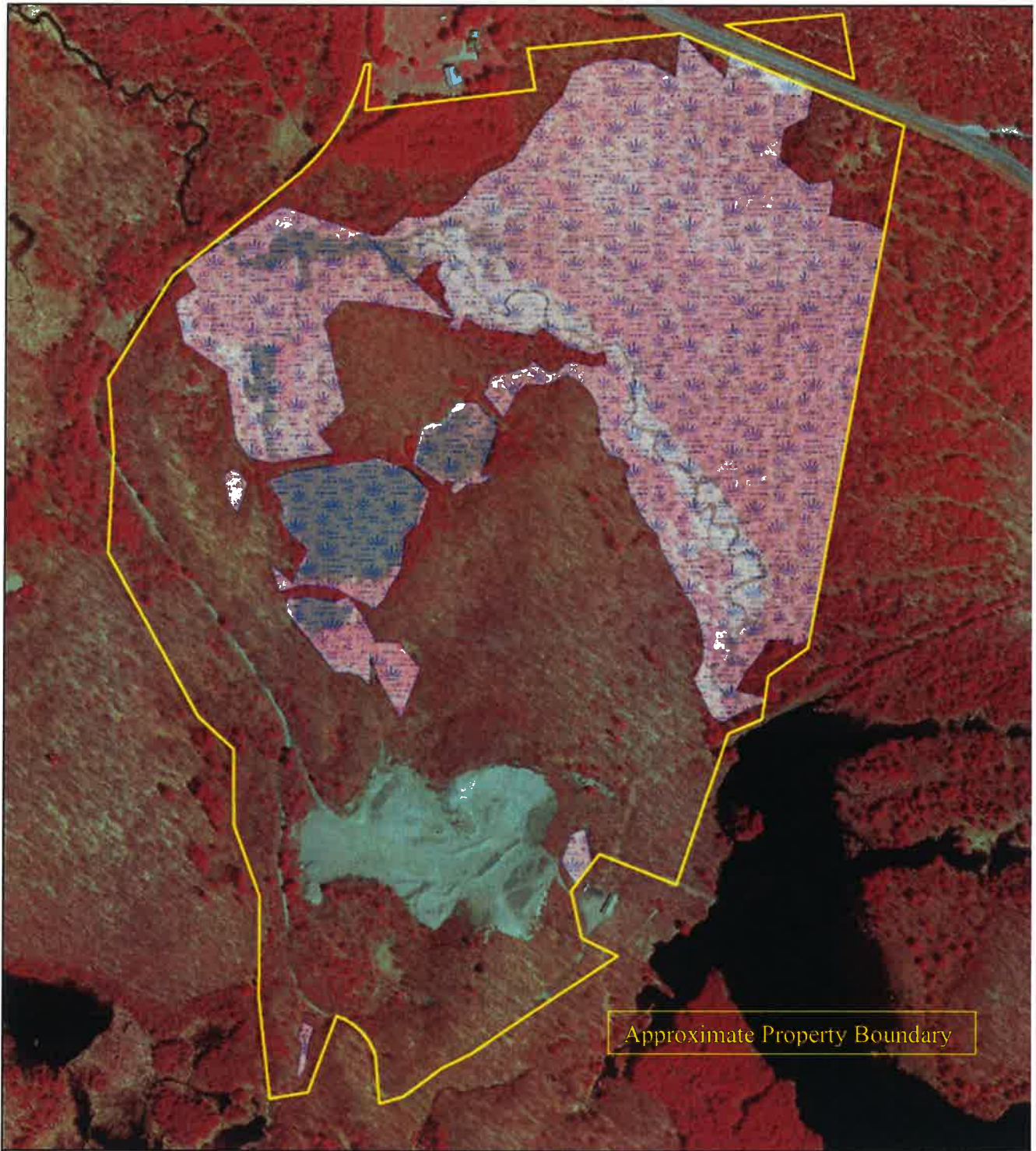
The APA reviewed aerial images of the property and concluded that wetlands exist within the mine property. The wetlands that the APA assumed exist are shown on Figure 2. These wetland boundaries are based off of aerial imagery, and not an actual field review. The wetland graphic was prepared by Ms. Mary O'Dell on July 22, 2024, and the boundaries are "subject to field verification".

NCES reviewed the U.S. Fish and Wildlife Service (USFWS) website to determine if wetlands and/or other aquatic resources identified by the USFWS Aquatic Resource Mapping Program are present on the Site. Based on the information obtained from the NWI Mapper, it was determined that no NWI mapped aquatic resources are present within the boundaries of the Site (Figure 3). The NWI wetland mapping reflects NCES's field delineation accurately.

Threatened and Endangered Species Habitat Assessment

The DEC's Natural Heritage Office (NHO) was contacted to determine if the Site is within a known radius of significant natural communities, rare plants or animals, and/or endangered, threatened, or special concern (E, T, SC) species. On January 28, 2025, the NHO issued a letter stating that the Site is not located within an area covered by known E, T, SC species and further screening is not necessary. The NHO letter is attached.

In an email correspondence dated July 31, 2024 from the APA to David Shank, the APA stated that "Further, the biologist indicated that northern firmoss, an endangered species, is mapped throughout the site and the site photos show a lot of Lycopodium. A plant survey of the project area may be required pending any application submission." As a result, NCES completed a survey of the site in search of northern firmoss (*Huperzia selago*). NCES field reviewed the entire Review Area, and documented the species of flora observed and searched for northern firmoss. Several species of ground pine were noted, and one similar to the northern firmoss. NCES documented and recorded the species description and its characteristics for identification. For certainty, NCES submitted detailed photographs and the physical descriptions to the state's Chief Botanist, Mr. Rich Ring Natural Heritage Program. Mr. Ring confirmed that the species documented on the property were common species within New York State and that none were the northern firmoss. The email chain between NCES and Mr. Ring is attached for your reference.



A2024-0061

- Parcel in question
- Wetlands*

*Subject to field verification
 Prepared by M. O'Dell 7/22/2024. (135)

**Adirondack
 Park Agency**

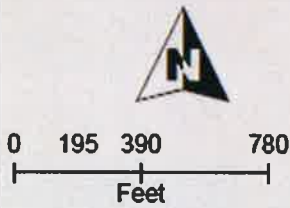


FIGURE 2 – APA Potential Wetlands




U.S. Fish and Wildlife Service
National Wetlands Inventory

- | | | |
|--------------------------------|-----------------------------------|----------|
| Wetlands | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Deepwater | Freshwater Forested/Shrub Wetland | Other |
| Estuarine and Marine Wetland | Freshwater Pond | Riverine |

Base Map: USFWS NWI Wetlands Map, Stark, N.Y.

Scale: None



FIGURE 3 – NWI Mapped Aquatic Resources

The USFWS was contacted regarding the presence of any federally-listed threatened or endangered species that may be located on, or within the immediate vicinity of the Site. The information obtained from the USFWS I-Pac website, dated March 10 2025, indicates that there is potential for the Monarch Butterfly to exist within the boundaries of the Site.

- Monarch Butterfly (*Danaus plexippus*) – Candidate Species

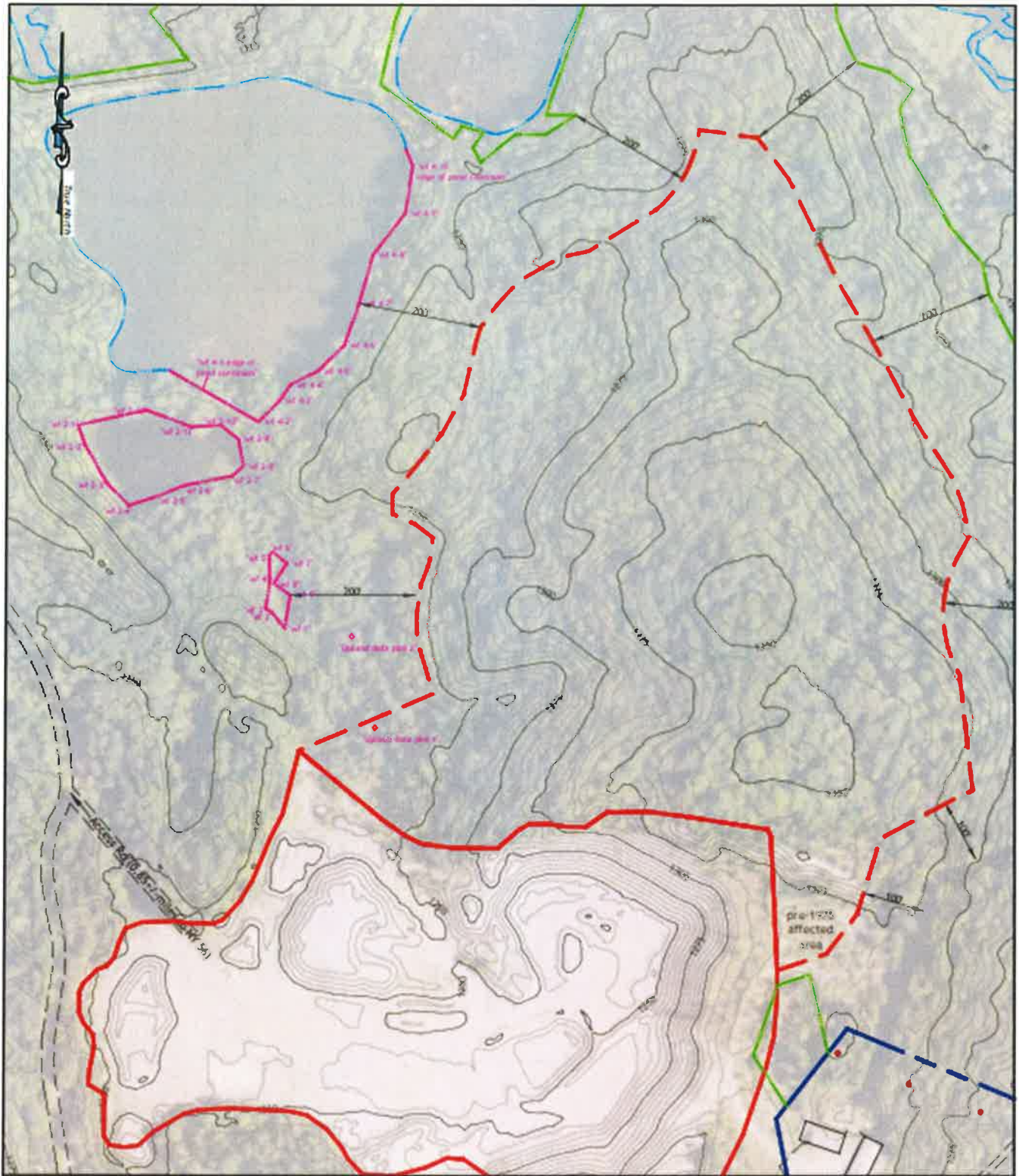
The information from the USFWS does not specifically claim that these species are known to occur within the Site, and no further information documenting existing locations of these species was provided. The response obtained from the USFWS is attached.

The Monarch Butterfly is currently a candidate species only, it does not receive any legal protections afforded by the Endangered Species Act (ESA). As a result, impact occurring to suitable habitat resulting for the proposed project is not prohibited, restricted, or regulated in any way. Therefore, no further assessments of the Site for the actual presence of Monarch Butterflies are warranted.

Conclusion

As a result of the wetland delineation, NCES identified and delineated three (3) wetland areas (Figure 4). Wetland Areas 1 and 2 are isolated pockets that appear to have formed from historic use of the land, the areas collect water and are fallow, resulting in the development of an emergent wetland community. Over time, the areas have formed a dominance of hydrophytic (wetland) vegetation, have notable characteristics of prolonged seasonal hydrology, and contain hydric soils. Wetland Area 3 is the wetland fringe along an existing pond. This pond is physically connected via culverts to other open water ponds on the property. The pond appears to have been utilized for the previous, and historic, mining operation. These are regulated by both the APA and USACE by means of a hydrological connection with a Traditional Navigable Waterway (TNW). Even though wetland areas 1 and 2 are not regulated by the APA or the USACE, the Applicant has established a 200' buffer between them and the proposed active mine area as a way to protect the wetlands, as requested by the APA.

As a result of the threatened and endangered species habitat review, NCES did not identify the northern firmoss within the Review Area. Several species of ground pine were noted, such as shining clubmoss (*Huperzia lucidula*). However, as confirmed by DEC Chief Botanist Richard Ring, none of the ground pines documented on the property within the Review Area are fir clubmoss. Monarch butterflies are a candidate species for regulation by the USFWS. However, no significant habitat for Monarch's is found within the Review Area. The only habitat would be the limited nectar sources of goldenrods and asters that are located along the edges of the existing roads. The remainder of the property is wooded and no open fields were found.



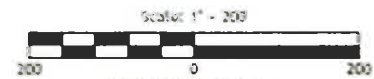
Wetlands Map

Cold Brook Mine
 Upstone Materials, Inc.
 Colton/St. Lawrence County, NY

LEGEND

- Life of Mine Boundary (Proposed)
- Property Line
- NCES Surveyed Wetland Boundary
- APA GIS Wetland Boundary

SCALE



Date of Survey: September 2024



FIGURE 4 – NCES Delineated Wetlands

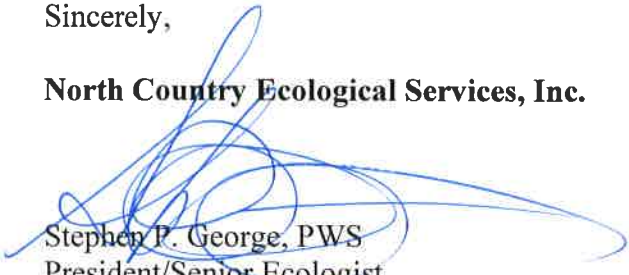
Page Seven

Based on the proposed mine limits, the mining operation would not have an impact on the wetlands or any rare or sensitive species of flora and fauna.

If you have any questions regarding this evaluation, please do not hesitate to contact NCES at any time.

Sincerely,

North Country Ecological Services, Inc.



Stephen P. George, PWS
President/Senior Ecologist

Attachments

References

- Cowardin, L.M., V. Carter, F.C. Gocet and E.T. Laroe. December 1979. Classification of Wetlands and Deepwater Habitats of the United States. USFWS Office of Biological Service, FWS/IOBL-79/31.
- Edinger, Gregory. 2014. Ecological Communities of New York State. New York Natural Heritage Program. 96 pgs.
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1, US Army Engineer Waterway Experiment Station, Vicksburg, Mississippi.
- New York State Department of Environmental Conservation. Environmental Resource Mapper. Article 24 Freshwater Wetland Mapping; St. Lawrence County, New York. On-line Resource Guide. <http://www.state.ny.us>.
- U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey 3.2. Soil Survey of St. Lawrence County. www.usda.gov.
- U. S. Fish and Wildlife Service. National Wetlands Inventory. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.; St. Lawrence County, New York. Online Resource. <http://www.fws.gov/wetlands>.



Photograph 1) View of the open active mined area.



Photograph 2) View of the open mined area and a stock pile of gravel.



Photograph 3) View of the access road as it enters the active mined area.



Photograph 4) View of Wetland Area 1.



Photograph 5) View of Wetland Area 1 and its boundary with the forested upland.



Photograph 6) View of the edge of the wetland and the steep cut bank that indicates prior land use/disturbance, that may have created the wet area.



Photograph 7) View of the edge of Wetland Area 2.



Photograph 8) View of the edge of Wetland Area 2.



Photograph 9) View of the edge of Wetland Area 3.



Photograph 10) View of the wetland and open water pond of Wetland Area 3.



Photograph 11) View of *Lycopodium digitatum*, a common ground pine found throughout the geographic area.



Photograph 12) View of the northern portion and interior of the Review Area.



Photograph 13) View of the interior of the Review Area.



Photograph 14) View of the interior of the Review Area.



Photograph 15) View of shining clubmoss (*Huperzia lucidula*), a common ground pine that is found throughout the property.



Photograph 16) View of shining clubmoss (*Huperzia lucidula*), a common ground pine that is found throughout the property.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

January 28, 2025

Stephen George, PWS
North Country Ecological Serv.
25 W Fulton St, Suite 3
Gloversville, NY 12078

Re: Huggard Mine
County: St Lawrence Town/City: Colton

Dear Stephen George:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 6 Office, Division of Environmental Permits, at dep.r6@dec.ny.gov.

Sincerely,



Heidi Kraehling
Environmental Review Specialist
New York Natural Heritage Program



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:
Project Code: 2025-0066741
Project Name: Huggard Mine Expansion

03/10/2025 19:15:22 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

PROJECT SUMMARY

Project Code: 2025-0066741
Project Name: Huggard Mine Expansion
Project Type: Subsurface Extraction - Non Energy Materials
Project Description: Mine Expansion
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.4456991,-74.80724570067788,14z>



Counties: St. Lawrence County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Proposed
There is proposed critical habitat for this species. Your location does not overlap the critical habitat.	Threatened
Species profile: https://ecos.fws.gov/ecp/species/9743	

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: North Country Ecological Services, Inc.

Name: Nicholas Akins

Address: 25 W. Fulton Street

City: Gloversville

State: NY

Zip: 12078

Email: northcountryeco@gmail.com

Phone: 5187251007



NCES <northcountryeco@gmail.com>

Identification of a Plant Required

6 messages

NCES <northcountryeco@gmail.com>
To: info@nynhp.org

Wed, Sep 18, 2024 at 8:18 AM

Who would I need to contact to get an identification of a potentially Endangered plant that was found on a project site? I would want an official ID before disclosing to our client or it going into public record.

--

Stephen P. George, PWS
North Country Ecological Services, Inc.
25 West Fulton Street, 3rd Floor Suite
Gloversville, New York 12078-2924
Ph/Fax (518) 725 - 1007
[Northcountryeco@gmail.com](mailto:northcountryeco@gmail.com)

Conrad, Nick (DEC) <nick.conrad@dec.ny.gov>
To: "northcountryeco@gmail.com" <northcountryeco@gmail.com>
Cc: "Ring, Richard M (DEC)" <richard.ring@dec.ny.gov>

Wed, Sep 18, 2024 at 1:13 PM

Stephen,

I refer you to our Chief Botanist, Rich Ring, cc'd here. He or one our other botanists may be able to provide a definitive identification, depending on the plant. Do you have photos that you could send, along with a description of the habitat and location (at least to county if not to town)?

Nick

Nicholas Conrad (*he/him*)

Information Resources Coordinator | New York Natural Heritage Program

SUNY College of Environmental Science & Forestry

625 Broadway, Albany, NY 12233-4757

518-402-8944

Nick.Conrad@dec.ny.gov

www.nynhp.org

From: New York Natural Heritage Program <NYNHP@esf.edu>
Sent: Wednesday, September 18, 2024 12:51 PM
To: Conrad, Nick (DEC) <nick.conrad@dec.ny.gov>
Subject: FW: Identification of a Plant Required

[Quoted text hidden]

Stephen George <northcountryeco@gmail.com>
To: "Conrad, Nick (DEC)" <nick.conrad@dec.ny.gov>
Cc: "Ring, Richard M (DEC)" <richard.ring@dec.ny.gov>

Wed, Sep 18, 2024 at 1:14 PM

Yes, I have photos and site info. I'll send later when back in the office.

Sent from my iPhone

On Sep 18, 2024, at 1:13 PM, Conrad, Nick (DEC) <nick.conrad@dec.ny.gov> wrote:

[Quoted text hidden]

NCES <northcountryeco@gmail.com>
To: "Conrad, Nick (DEC)" <nick.conrad@dec.ny.gov>
Cc: "Ring, Richard M (DEC)" <richard.ring@dec.ny.gov>

Thu, Sep 19, 2024 at 6:29 PM

Mr. Ring:

Thank you for helping me out on this.

See attached photos of a ground pine I need identification of. The plants are found on a property with black cherry, beech, sugar maple, white pine, and hemlock as dominant tree species. The area I was reviewing for wetlands had sandy loam soils, steep (8-12% slope), forested community and it was a few miles west of Stark Falls Reservoir in St. Lawrence County. I have not seen the plant as shown in Photo 1 before, so I am interested to find out its species.

Photo 1 - The plant found during the wetland delineation that is of interest.

Photo 2 - Another, maybe the same species as in Photo 1, plant of interest; maybe younger than the one in Photo 1?

Photo 3 - Same question as posed for Photo 2.

Photo 4 - The area on top of the ridge where the ground pines were found, for reference as to habitat type.

Photo 5 - Same question as posed for Photo 2.

Photo 6 - The side of the hill where the ground pine was found, for reference as to habitat type.

Thank you!

Stephen P. George, PWS

[Quoted text hidden]

6 attachments



Photo 1.JPG
2347K



Photo 2.JPG
2347K



Photo 3.JPG
2504K



Photo 4.JPG
2491K



Photo 5.JPG
2521K



Photo 6.JPG
2471K

Ring, Richard M (DEC) <richard.ring@dec.ny.gov>

Tue, Sep 24, 2024 at 3:22 PM

To: "northcountryeco@gmail.com" <northcountryeco@gmail.com>, "Conrad, Nick (DEC)" <nick.conrad@dec.ny.gov>

Hello Mr. George-

Photos 1 and 2 are of *Huperzia lucidula*, shining clubmoss. This is a common species. It is related to *Huperzia selago*, the Endangered Fir Clubmoss, but you can tell from the tiny teeth on the leaves, among other characters, that it is not that species.

Photo 3 is of another species, probably a *Lycopodium*, although I can't tell which one from the photo. Same for photo 5, I believe. I do not see any rarities in the photos. All of these "ground pines" or "club mosses" used to be considered part of the genus *Lycopodium*, but if you consult recent sources you will see that they now are divided into several different genera, and *Huperzia* is in a separate family.

Best,

Richard Ring

Rich Ring

Chief Botanist

NY Natural Heritage Program; www.nynhp.org/

State University of New York | College of Environmental Science and Forestry

625 Broadway, 5th Floor, Albany, NY 12233

From: NCES <northcountryeco@gmail.com>
Sent: Thursday, September 19, 2024 6:30 PM
To: Conrad, Nick (DEC) <nick.conrad@dec.ny.gov>
Cc: Ring, Richard M (DEC) <richard.ring@dec.ny.gov>
Subject: Re: Identification of a Plant Required

You don't often get email from northcountryeco@gmail.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

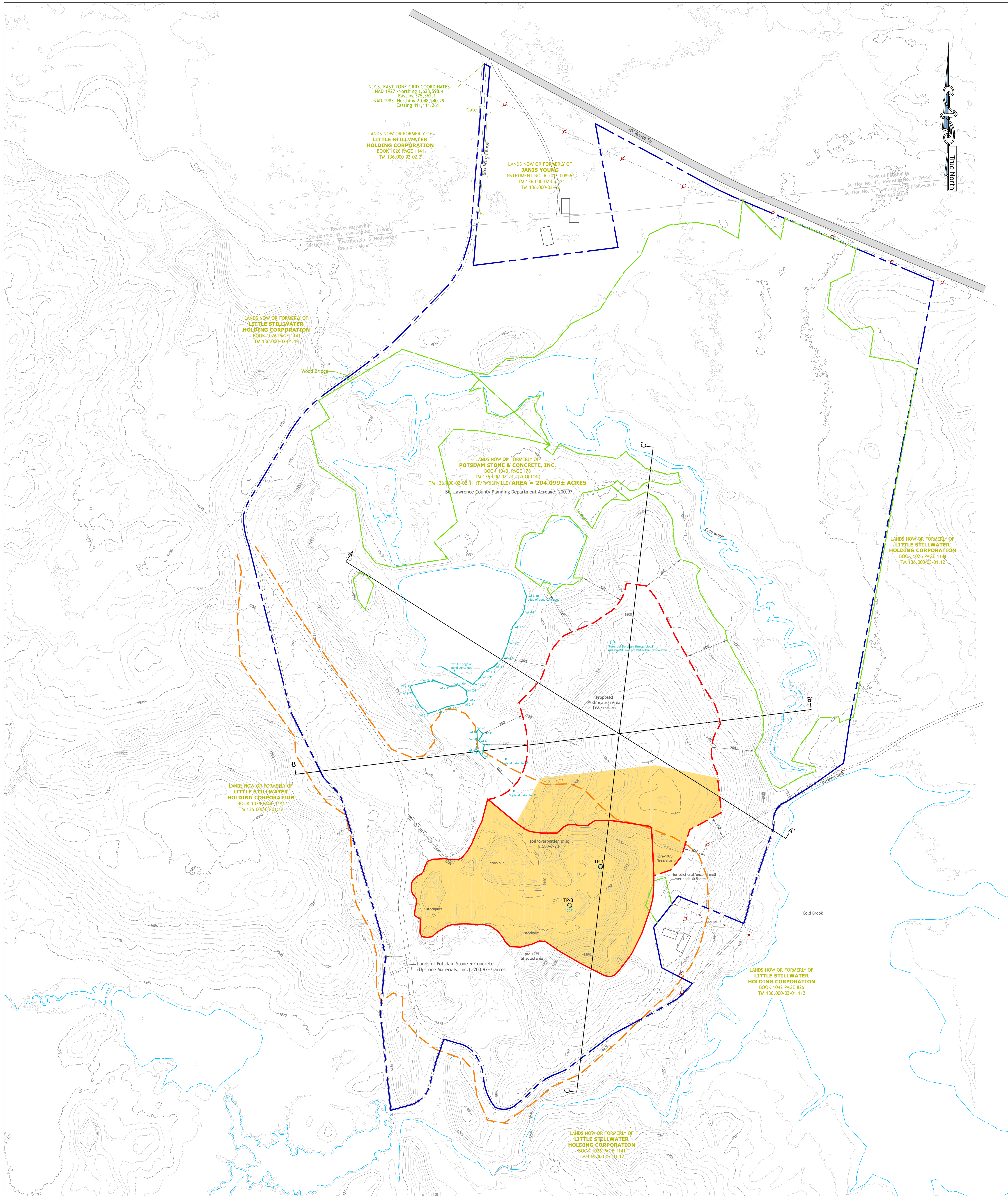
[Quoted text hidden]

NCES <northcountryeco@gmail.com>
To: "Ring, Richard M (DEC)" <richard.ring@dec.ny.gov>
Cc: "Conrad, Nick (DEC)" <nick.conrad@dec.ny.gov>

Wed, Sep 25, 2024 at 2:09 PM

Thank you very much. I was concerned about the fir clubmoss as being on the property.

Stephen
[Quoted text hidden]



N.Y.S. EAST ZONE GRID COORDINATES
 NAD 1927 - Northing 1,623,598.4
 Easting 375,304.1
 NAD 1983 - Northing 2,048,240.29
 Easting 411,111.261

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1026 PAGE 1141
 TM 136,000-02-02.2

LANDS NOW OR FORMERLY OF
 JANIS YOUNG
 INSTRUMENT NO. R-2011-008564
 TM 136,000-02-04.32
 TM 136,000-03.35

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1026 PAGE 1141
 TM 136,000-03-01.12

LANDS NOW OR FORMERLY OF
 POTSDAM STONE & CONCRETE, INC.
 BOOK 1040 PAGE 178
 TM 136,000-03-24 (T COLTON)
 TM 136,000-02-02.11 (T PARISVILLE) AREA = 204.099± ACRES
 St. Lawrence County Planning Department Acreage: 200.97

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1026 PAGE 1141
 TM 136,000-03-01.12

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1026 PAGE 1141
 TM 136,000-03-01.12

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1042 PAGE 826
 TM 136,000-03-01.112

LANDS NOW OR FORMERLY OF
 LITTLE STILLWATER
 HOLDING CORPORATION
 BOOK 1026 PAGE 1141
 TM 136,000-03-01.12

ACREAGE SUMMARY	
	Area to be Affected by Mining during the 2024-2029 Permit Term: 18.7±/- acres
	Area Approved as Reclaimed: 0±/- acres
	Existing Life of Mine Area: 13.0±/- acres
	Proposed Life of Mine Area: 32.0±/- acres

MINE PLAN MAP
 Cold Brook (Huggard) Pit
 NYSDEC Mine ID: 60057
Upstone Materials, Inc.
 Town of Colton/St. Lawrence County, NY

Prepared by:

 A COLAS COMPANY

DETAILS	
• Date: November 27, 2018	• Horizontal Scale: 1" = 200'
• Datum: Mean Sea Level	• USGS 7.5 Minute Quad: Stark, NY
• Contour Interval: 5 feet	• Drafted by: DAS

REVISIONS		
Date	Description	By
11/30/2023	Updated for 2024-2029 MLR permit renewal.	DAS
3/18/2025	Modify mine plan to add 19.0±/- acres to the life of mine area.	DAS

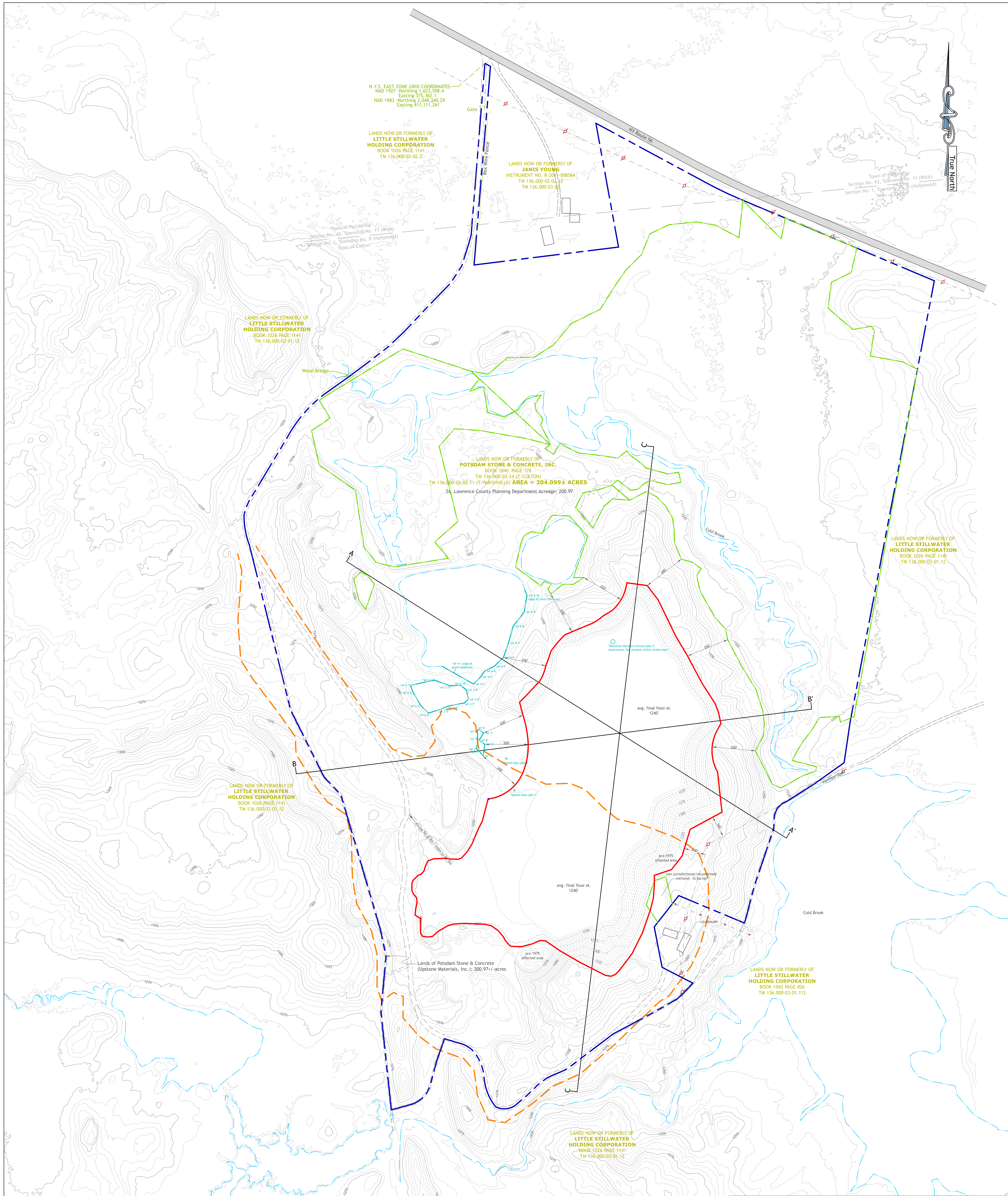
LEGEND	
	Property Line (CT Male Assoc. - 2017)
	Existing Life of Mine Boundary
	Proposed Life of Mine Modification Area
	Approximate extent of area affected before 1975
	Municipal Boundary
	Contour Line: 25'
	Contour Line: 5'
	Edge of Water/Stream
	Wetlands (APA/GIS)
	Wetlands (NCES/Field Delineation)
	Road- Paved
	Road- Unpaved
	Overhead Utility


SCALE

1" = 200'

NOTES

- Base map: "MINING PLAN MAP" by GCLG, Inc. dated March 27, 2008, last revised December 18, 2013.
- Base Map: "ALTA/NSPS LAND TITLE SURVEY Lands Now or Formerly of Potsdam Stone & Concrete, Inc. (Huggard Pit)" by C. T. MALE Associates, dated April 24, 2017.
- Certain map features digitized 2020 high resolution aerial orthophotos available from the NYGIS Data Clearinghouse (NY GIS).
- Elevation contours from NYGIS Data Clearinghouse LiDAR dataset (FEMA Franklin/St. Lawrence 2016/2017).



ACREAGE SUMMARY	
	Lands to be affected & reclaimed over the life of the mine 32.0+/- acres

RECLAMATION PLAN MAP

Cold Brook (Huggard) Pit
NYSDEC Mine ID: 60057

Upstone Materials, Inc.

Town of Colton/St. Lawrence County, NY

Prepared by:




A COLAS COMPANY

DETAILS

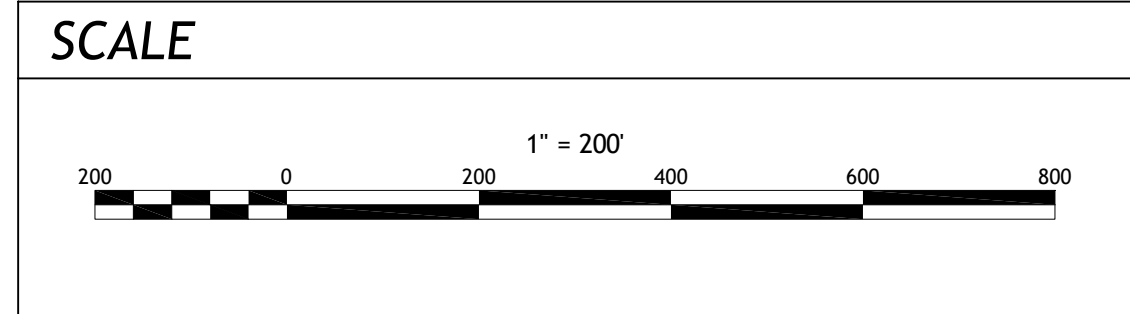
- Date: March 18, 2025
- Horizontal Scale: 1" = 200'
- Datum: Mean Sea Level
- USGS 7.5 Minute Quad: Stark, NY
- Contour Interval: 5 feet
- Drafted by: DAS

REVISIONS

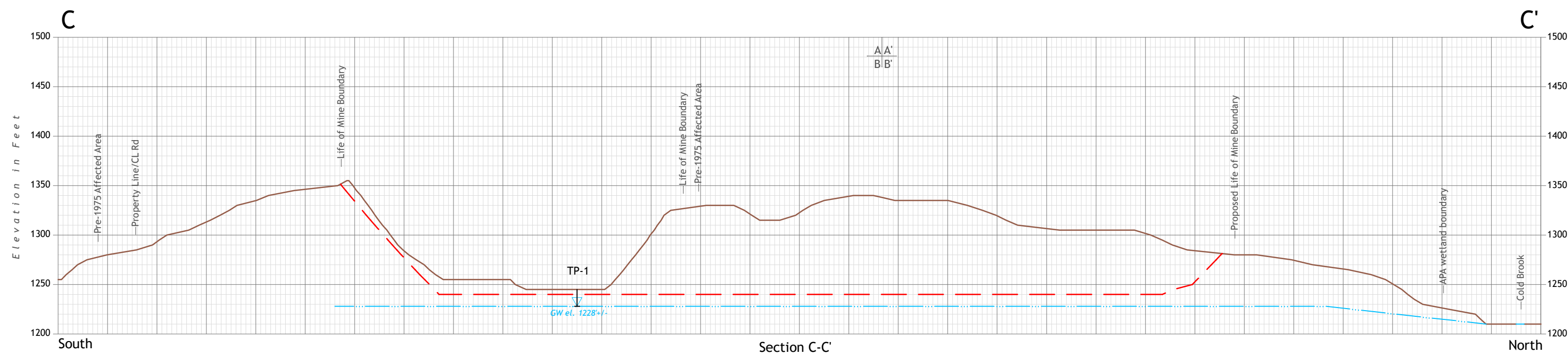
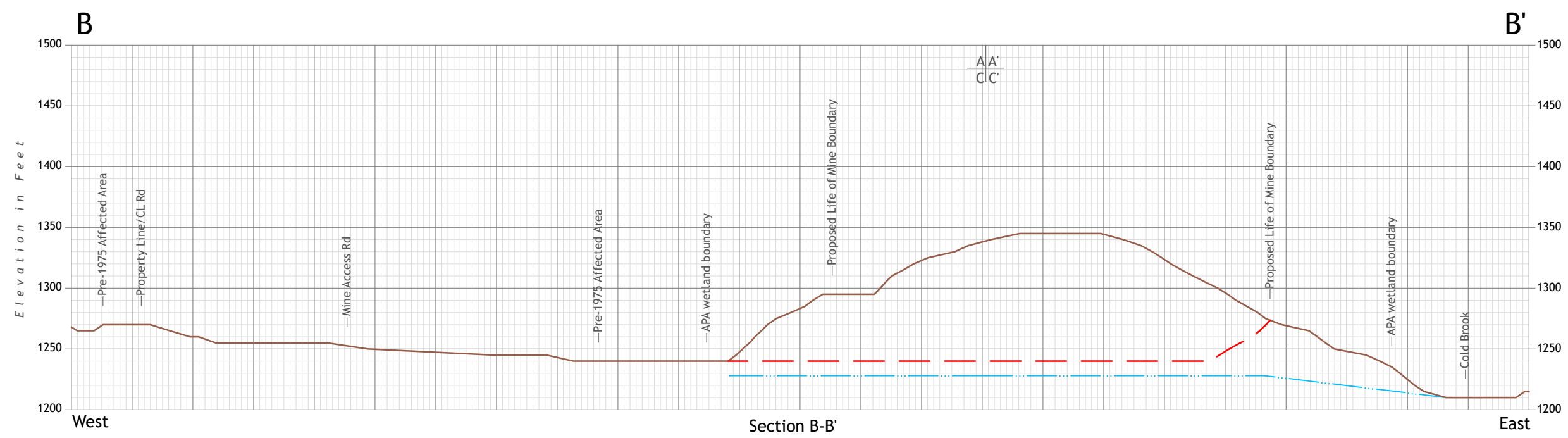
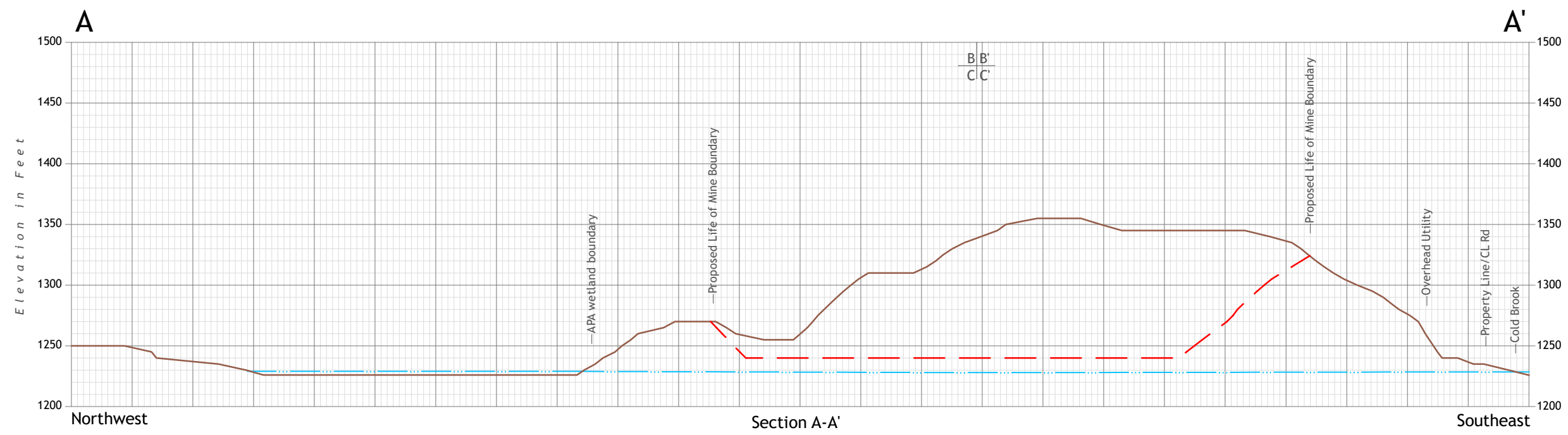
Date	Description	By

LEGEND

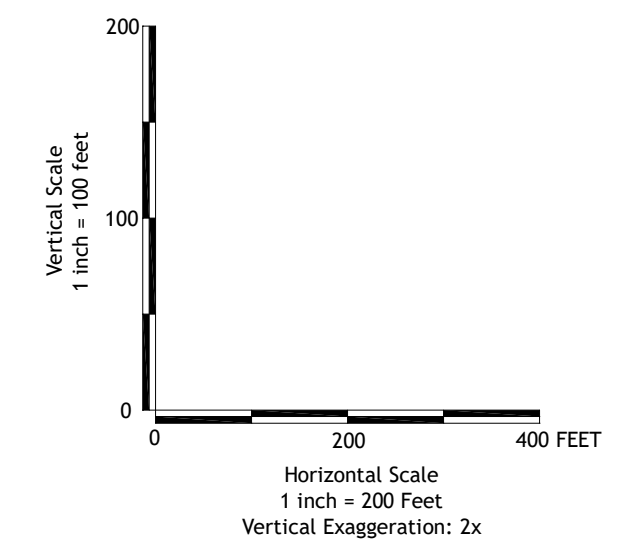
- Property Line (CT Male Assc. - 2017)
- Existing Life of Mine Boundary
- Proposed Life of Mine Modification Area
- Approximate extent of area affected before 1975
- Municipal Boundary
- Contour Line: 25'
- Contour Line: 5'
- Edge of Water/Stream
- Wetlands (APA/GIS)
- Wetlands (NCEs/Field Delineation)
- Road- Paved
- Road- Unpaved
- Overhead Utility



- NOTES**
- Base Maps & Background Information
- Base map: "RECLAMATION PLAN MAP" by GCLG, Inc. dated June 3, 2008.
 - Certain map features digitized 2020 high resolution aerial orthophotos available from the NYGIS Data Clearinghouse (NY GIS).
 - Elevation contours from NYGIS Data Clearinghouse LIDAR dataset (FEMA Franklin/St. Lawrence 2016/2017).



SCALE



TYPICAL SECTIONS

Cold Brook (Huggard) Pit

NYSDEC Mine ID: 60057

Upstone Materials, Inc.

Town of Colton/St. Lawrence County, NY

Prepared by:



David A. Shank, P.G.
Colas Inc.



A COLAS COMPANY

DETAILS

- Date: March 18, 2025
- Horizontal Scale: 1" = 200'
- Vertical Scale: 1" = 100'
- Vertical Exaggeration: 2X
- Datum: Mean Sea Level
- USGS 7.5 Minute Quad: Stark, NY
- Drafted by: DAS

REVISIONS

Date	Description	By

LEGEND

- Profile of Existing Topography
- - - Profile of Proposed Final Grade
- ⋯ Profile of Surface & Ground Water
- ▽ GW et. 1228+/- Test Hole: Surveyed Ground Water Elevation Point (March 2024)

NOTES

Base Maps & Background Information

- Base map: "RECLAMATION PLAN MAP" by GCLG, Inc. dated June 3, 2008.
- Certain map features digitized 2020 high resolution aerial orthophotos available from the NYGIS Data Clearinghouse (NY GIS).
- Elevation contours from NYGIS Data Clearinghouse LiDAR dataset (FEMA Franklin/St. Lawrence 2016/2017).