

**CARVER SAND & GRAVEL, LLC
MASICK MINE
Mine File No. 40220**

Town of Middleburgh, Schoharie County, New York

**SCOPING DOCUMENT
FOR
MINING PERMIT MODIFICATION**

Date: February 21, 2014, Revised October 23, 2014

INTRODUCTION

This scoping document for the proposed modification at the Carver Sand & Gravel, LLC's (Applicant) Masick Quarry located in the Town of Middleburgh, Schoharie County, New York has been prepared pursuant to the State Environmental Quality Review Act (SEQR) regulations, 6 NYCRR Part 617.8-9 and sets forth:

- (1) a brief description of the proposed action;
- (2) identification of the potential impacts of the proposed action;
- (3) the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information;
- (4) an initial identification of mitigation measures;
- (5) the reasonable alternatives to be considered;
- (6) an identification of the information/data that should be included in an appendix rather than the body of the draft EIS.

The primary goal of scoping is to focus the Draft Environmental Impact Statement (DEIS) on potentially significant adverse impacts, and to eliminate consideration of those impacts that are irrelevant or have already been deemed to be not significant. The potentially significant adverse impacts listed in this Scoping Document are taken from the February 6, 2014 Positive Declaration from Martha A. Bellinger of New York State Department of Environmental Conservation (NYSDEC) Region 4 (see Appendix).

DESCRIPTION OF THE PROPOSED ACTION

The existing quarry has an approved life of mine area of 104 acres and is located approximately 2000 feet east of the intersection of NYS Route 30 and Frisbieville Lane in the Town of Middleburgh. The proposed action seeks to modify the existing life of mine area for the permitted quarry by adding an additional 49 acres to the existing 105 acres for a total life of mine area of 154 acres. The proposed excavation area is located approximately 5600 feet east of NYS Route 30 and covers a 45-acre area with an additional four-acre area to be added to the life of mine to accommodate an access road and conveyor linking the existing operation to the proposed modification area.

The 49-acre modification area is located approximately 1000 feet east of the existing approved life of mine area. A portable primary crusher will be located on the quarry floor of the proposed modification area behind a ridge of unexcavated stone along the west side of the proposed modification area. Mining will occur by the same standard surface quarrying methods used in the existing permitted mine. No changes in the manner or method of operating the quarry are planned. Trucks entering and exiting the site will continue to use the existing driveway onto NYS Route 30. No change in production or traffic levels is proposed as part of the modification.

An existing woods road will provide vehicle access to the modification area. A stone lined ditch and other storm water control features and a conveyor will be built along this access road. Rock from the modification area will be moved by the conveyor from the primary crusher to the existing processing plant in the existing quarry. Transporting the rock by the conveyor is a quieter and more efficient process than moving the rock by trucks.

The applicant is a family owned business that employs 200 people in New York State, including over 75 people in the Town of Middleburgh. Carver provides construction materials to the general public, federal agencies, state agencies, county agencies, local agencies and private contractors. In

recent years, this quarry has been a major supplier of aggregates for use in remediation of the Gilboa Dam and restoration of areas damaged by flooding associated with Hurricanes Irene and Lee.

Mining has been ongoing at this site for over 100 years, primarily as an agricultural lime source and then as a source of construction aggregates in recent years. Carver purchased the mine in 1995. The mine has been permitted under the State's Mined Land Reclamation Law since its inception.

The applicant submitted a modification application in August 2013 to modify the mining permit to allow mining on the additional 49 acres.

POTENTIAL IMPACTS OF THE PROPOSED ACTION TO BE ADDRESSED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The potentially significant adverse impacts identified in the positive declaration and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted that will be addressed in the DEIS, are set forth in this section in accordance with 6 NYCRR 617.8(f)(2).

In the Positive Declaration dated February 6, 2014, NYSDEC determined that the proposed modification may have a potential significant visual impact to the viewshed areas located primarily to the northwest, west and southwest of the mine due to the modification area being located approximately 1,000 feet east of the existing quarry. The positive declaration requires that a DEIS be prepared to address this potentially significant visual impact. The DEIS will address the following potential impacts of the proposed action:

Water Resources:

A Hydrogeologic Impact Assessment was prepared for the modification application and will be incorporated into the DEIS. This assessment will address the potential effect on groundwater and surface water, including features such as streams, wetlands, and wells. This will include identifying wells and assessing the impact on such wells within ¼ mile of the life-of-mine modification area boundary from any groundwater changes or changes due to blasting. This report will be included as an appendix.

Surface Drainage and Stormwater (Water Resources):

The DEIS will provide a narrative and graphic description of the existing and proposed surface drainage patterns and stormwater management measures employed on the applicant's site. The narrative will be augmented with mapping indicating the location, capacity and function of measures employed on the site to control surface drainage and

stormwater. A narrative and graphic description of the existing topography on the site will be provided, as well as topographic map(s) that indicate proposed changes to the site as a result of the proposed expansion. Soils information acquired from the Soil Conservation Service supplemented with data from on-site test pit logs and bore logs and their locations will be provided. This discussion will include how the expansion and the existing dewatering and stormwater process controls will function together. The status of existing SPDES permits on the site will be discussed. The expansion area will require stormwater control features. A Stormwater Analysis Report was prepared for the modification application. This report details the stormwater control features required for the proposed mine expansion. This report will be comprehensive in addressing these issues and demonstrating compliance with the existing or proposed SPDES permits, including any modification(s) necessary in discharge limits or controls.

Blasting:

The DEIS will provide a narrative discussion of potential impacts associated with blasting that occurs at this site based on available data from NYSDEC and the applicant. Specifically, potential impacts on existing wells, structures, and nuisance noise, vibration, and dust impacts and proposed mitigation measures will be discussed. The narrative will also discuss how blasting at the modification area will meet the air and ground blast vibration standards contained in the permit.

Utility Infrastructure:

Access to and from the modification area will be directly under electrical transmission lines. The applicant will use the normal precautions as is done routinely at other mines to avoid contact with the transmission lines. A statement will be made to this effect in the DEIS. This does not warrant a detailed discussion since it relates solely to safety of on-site employees, not the public, and does not represent a significant potential environmental impact.

Air Quality:

The applicant proposes to place a portable primary crusher on the quarry floor in the modification area. The impacts of this changed location in regard to off-site receptors (focus on noise and dust) will be discussed. The DEIS will provide a narrative discussion of the existing ambient air quality based on available data from NYSDEC and NOAA. The narrative will discuss the existing on-site activities and/or processes that may impact the on-site air quality. The narrative will also discuss the status of the potential air quality

discharge sources permit applications, the measures that may be employed to reduce potential emissions, and the anticipated air quality as it relates to the expansion of the applicant's site. A fugitive dust management plan will be prepared and provided as an appendix to the DEIS.

Terrestrial and Aquatic Ecology:

The modification area currently is wooded and a wildlife habitat area. The new expansion area will result in a 49 acre loss of habitat. The DEIS will provide a concise discussion describing the general vegetative communities on the site based on field observation. The NYSDEC and USFWS databases will be consulted to determine whether there are any known endangered and/or threatened species. A discussion of the loss of habitat and a species inventory will be provided. The New York Natural Heritage Program has already been consulted and a letter stating that they have no records of any rare or state listed animals or plants, or significant natural communities, on or in the vicinity of the site, will be included as an appendix to the DEIS. This letter will be referenced in this section.

Wetlands:

The DEIS will provide a concise discussion with respect to the absence or presence of New York State mapped wetlands and USACOE federal wetlands. This data will be based on field observation and existing available mapping.

Transportation:

The modification will not result in any production rate changes. The current level of production in and out of the site will be documented. Any effect on traffic into and out of the facility from the proposed expansion will be discussed. This includes documenting existing traffic levels and any proposed changes. To the extent any of the traffic information and analysis from the 2012 DEIS/FEIS still applies to the current and proposed operational levels, it will be included in this DEIS. Otherwise, a traffic count based on a compilation and review of traffic data for the existing mine operation will be provided by the applicant. This information will be based on a summary and review of the past two years of production and will include a description of general travel patterns exiting and returning to the site. Higher traffic counts attributable to flooding in this region will be excluded for the purposes of this analysis. The capacity of NYS Rte 30 to safely handle current and any proposed increase in traffic related to this project will also be assessed.

Community Character, Land Use & Zoning:

The DEIS will provide a summary discussion of the surrounding land use characteristics based on field observations and a review of the local and county land use plans. A description of how the project interfaces with the surrounding land uses in a historic context as well as how the site functions presently will be provided. Discussion will identify existing land use surrounding the immediate site and will identify potential benefits and limitations that may occur as a result of the expansion and continuance of the mining operation. The narrative will discuss how the applicant has and will continue to utilize and implement environmentally sound mining methods and practices by implementing on-going reclamation practices and directional mining while simultaneously insuring the most cost effective mining methods. The narrative will describe the existing zoning on the site, the surrounding parcels that are immediately adjacent to the site, and will provide copies of pertinent existing zoning maps for the Town of Middleburgh, New York. The narrative will discuss the effects of the modification in relation to community character. To the extent any of the information and analysis on this issue from the 2012 DEIS/FEIS still applies to the current and proposed operational levels, it will be included in this DEIS.

Cultural Resources:

A Phase IA Cultural Resources Survey (Historic Structures Survey) was prepared for the modification application. The modification area was not identified as a site with potential for other cultural resources. The Phase IA Historic Structures Survey and any correspondence from OPRHP will be included in the appendices to the DEIS.

Noise:

A Noise Impact Assessment in accordance with DEC Program Policy was prepared for the modification application. The Noise Impact Assessment will be incorporated into the DEIS discussion of ambient sound levels as measured by the applicant's consultants. The narrative will also provide a discussion of the proposed mitigation measures that may be employed to minimize and/or reduce potential noise impacts to offset receptors. The closest offsite receptor(s) will be identified and noise exposure levels will be calculated using the standards set forth in NYSDEC Program Policy Assessing and Mitigation Noise Impacts DEP-00-1. The Noise Impact Assessment will be attached to the DEIS and summarized in this section.

Economic Benefits and Considerations:

The DEIS will provide a discussion of the economic benefits of the existing operation based on data provided by the applicant. The generation of property tax, sales tax, highway use tax, payroll tax, fuel tax and surcharge, as well as other revenue(s) afforded to the Town, County, and State will be discussed. Capital acquisitions that have occurred to date as well as those planned in the future will be discussed, as well as other costs that have been expended which support the local and regional economy. The narrative will provide a discussion of the employment statistics and benefits that have resulted and will result as a direct benefit of the project approval(s) within the context of job retention and creation. Overall benefits to the economy that are a result of the mining and materials industry will be included in the discussion. This discussion will be based on data collected and assimilated in Mineral Industry of the State of New York 2007-2010. To the extent that the information from the 2012 DEIS is relevant, it will be incorporated into this DEIS.

Potential for Future Expansion:

The DEIS will provide a discussion of the potential for future expansion at the project site based on information provided by the applicant. The applicant controls 400 contiguous acres at this location and the potential for reasonably foreseeable future expansion and associated impacts will be addressed.

Visual:

The existing conditions needed to assess the potential significant impacts of the project will be described in plan and narrative form, as appropriate. The topography of the site will be shown on project plans. The area's topography will be shown on area maps such as the quadrangle location map and Visual Study Viewshed Map. The nature of the topography will be described in narrative form.

Existing land-uses and zoning will be shown in plan form and described in narrative form in order to establish a baseline condition for the impact analysis.

Visual Resources will be describe in plan and narrative form including the physical character of the site and surrounding area and the location of known scenic viewpoints and potential visual receptors in accordance with the NYSDEC Visual Policy. The Visual Study prepared for this application will be included as an Appendix and summarized and discussed in the DEIS.

INFORMATION NEEDED TO ADEQUATELY ADDRESS THE POTENTIAL IMPACTS OF THE PROJECT IN ACCORDANCE WITH 6 NYCRR 617.8(f)(3)

The extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information is set forth below.

A DEIS and FEIS was prepared for the existing mining operation on a previous modification granted in 2012. This 2012 DEIS addressed the potential impacts of the mining operation. While the DEIS for this modification will focus on and address the current modification application to add an additional 49 acres to the permitted life of mine area, to the extent to which any of the information from the 2012 DEIS and FEIS is relevant to the continued operation of the existing mining and processing facility in conjunction with the proposed expansion needs to be incorporated into the 2014 DEIS.

INITIAL IDENTIFICATION OF MITIGATION MEASURES

A detailed narrative and graphic (including photographs) description of potentially significant visual impact will be set forth in detail in the Visual Assessment and summarized in the DEIS narrative.

The DEIS will contain a full description and assessment of proposed mitigation measures to mitigate any significant visual impacts. The mitigation measures will be described and their effectiveness assessed in plan and narrative form, including the use of photo simulations, in accordance with the NYSDEC Visual Policy.

These mitigation measures and mitigating factors include, but are not limited to:

Remote location of the modification area

- Orientation of access road to minimize potential visibility
- Selective removal of wooded area
- Use of low-profile conveyor to haul stone from modification area
- Placement of primary crusher on mine floor behind wooded ridge
- North-south direction of mining, leaving a wooded ridge along the west side of the excavation area
- Concurrent reclamation of the easterly benches
- Planting of trees on 25 foot high benches along the east side of the mine

In addition, the analysis of other potential impacts in this document may generate consideration of additional mitigation measures.

REASONABLE ALTERNATIVES TO BE CONSIDERED IN THE DEIS. 6 NYCRR 617.8(F)(5)

The following alternatives will be described and assessed in sufficient detail in plan and narrative form as appropriate to allow a comparison of potential benefits and impacts:

- Alternative size (smaller and larger than proposed 49 acre modification area)
- Alternative location on property
- Alternative direction of mining and concurrent reclamation plan

- No Action Alternative

AN IDENTIFICATION OF THE INFORMATION/DATA THAT SHOULD BE INCLUDED IN AN APPENDIX RATHER THAN THE BODY OF THE DRAFT EIS 6 NYCRR 617.8(F)(6)

The Appendix will include all of the application documents including the Mined Land-Use Plan, Noise Impact Assessment, Hydrogeologic Impact Assessment, Phase 1A Cultural Resources Survey (Historic Structures Survey), Stormwater Analysis Report.

The Appendix will include a complete Visual Assessment prepared in accordance with the NYSDEC Program Policy # DEP-00-2 for Assessing and Mitigating Visual Impacts and will include photo simulations depicting the potential for visual impact to surrounding receptors of significance.

DEIS OUTLINE

- Cover Page
- Table of Contents
- Description of the Proposed Action
 - Project Purpose, Need and Benefits and Public Need for the Project
 - Location—show location of site and access to the site on quadrangle map and describe location relative to NYS Route 30
 - Description of the project (in plan and narrative form) including size, mining methods, locations of excavation, loading, hauling, processing, soil and product storage and staging areas, mining sequence and potential for reclamation concurrent with mining
 - Reclamation plan—describe how the mine will be reclaimed to a future productive use
 - Approvals—the site is zoned R-1. Mining is an allowable use with a Special use Permit. The following permits/approvals are being modified to allow mining in the modification area:
 - NYSDEC Mined Land Reclamation Permit
 - NYSDEC Multi-Sector General Permit
 - NYSDEC Air Emissions Permit
 - Town of Middleburgh Special Use Permit
- Potential Impacts of the Proposed Action to be Addressed in the Draft Environmental Impact Statement (DEIS) (see above for fuller description of each of the following items and how to address them)
 - Water Resources
 - Surface Drainage and Stormwater
 - Blasting
 - Utility Infrastructure
 - Air Quality
 - Terrestrial and Aquatic Ecology
 - Wetlands
 - Transportation
 - Community Character, Land Use, and Zoning
 - Cultural Resources
 - Noise
 - Economic Benefits and Considerations

- Potential for Future Expansion
- Visual
- The existing conditions needed to assess the potential significant impacts of the project will be described in plan and narrative form, as appropriate.
 - The topography of the site will be shown on project plans. The area's topography will be shown on area maps such as the quadrangle location map and Visual Study Viewshed Map. The nature of the topography will be described in narrative form.
 - Existing land-uses and zoning will be shown in plan form and described in narrative form in order to establish a baseline condition for the impact analysis.
 - Visual Resources—describe in plan and narrative form the physical character of the site and surrounding area and the location of known scenic viewpoints/potential visual receptors in accordance with the NYSDEC Visual Policy. The Visual Study prepared for this application will be included as an Appendix and summarized and expanded upon in the DEIS.
- Potential Adverse Impacts and Proposed Mitigative Measures
 - Description of Potential Adverse Impacts including, but not limited to:
 - permanent removal of materials
 - permanent alteration of the visual landscape
 - permanent removal of existing vegetative cover
 - generation of noise levels that exceed ambient background levels
 - alteration of existing surface drainage patterns
 - generation of dust impacts
 - evaluation of blast vibrations, overpressure, and potential effect on the groundwater supply.
 - Description and Assessment of Proposed Mitigation Measures – discuss the proposed mitigative measures that will be implemented in order to minimize the potential environmental impacts identified by the lead agency. Discuss the basis upon which these methods of mitigation were selected and the anticipated success of each measure. Provide a summary of findings and include copies of Best Management Practice Technologies (BMPs) as they apply.
- Adverse Environmental Impacts that Cannot Be Avoided—these impacts, if any, will be identified.
- Alternatives—The following alternatives will be described and assessed in sufficient detail in plan and narrative form as appropriate to allow a comparison of potential benefits and impacts:
 - Alternative size (smaller and larger than proposed 49 acre modification area)
 - Alternative location on property
 - Alternative direction of mining and concurrent reclamation plan
 - No Action Alternative, including a description of the consequences of trucking high friction aggregate into the market area from more distant sources
- Irreversible and Irrecoverable Commitment of Resources—the modification will, if approved, commit the use of the stone to be mined at the site. If this material is not mined at this location, it will need to be mined at another location.
- Growth Inducing Aspects—the proposed modification will not have any growth inducing aspects but will provide a local source of aggregates for use in construction and maintenance.
- Effects on the Use and Conservation of Energy Resources—the proposed action will extend the life of the longstanding mine and will serve as a continued local source of high quality aggregates. This will reduce the need to haul in aggregates from greater distances (e.g. high friction aggregates)
- Appendices—the following technical reports prepared for the modification application will be included as Appendices to the DEIS:

- Mined Land-Use Plan
- Noise Impact Assessment
- Hydrogeologic Impact Assessment
- Phase 1A Cultural Resources Survey (Historic Structures Survey)
- Stormwater Analysis Report

In addition, pertinent correspondence will be included as an appendix.

- References—references used in the preparation of the DEIS will be cited if widely available or attached if not widely available.

APPENDIX