

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2013-0138E</p>
<p>In the Matter of the Application of</p> <p>NYCO MINERALS, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: September 12, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. NYCO Minerals, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes continued operation of a mineral extraction in an area classified Industrial Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lewis, Essex County.

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

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

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

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

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

PROJECT SITE

The project site is a 699±-acre property located on Seventy Road in the Town of Lewis, Essex County. The project site is identified on the Adirondack Park Land Use and Development Plan Map as the Industrial Use and Rural Use portions of the following Town of Lewis Tax Maps Parcels:

- a. Section 037.00, Block 2 as Parcel 44.1 (207.4± acres);
- b. Section 037.00, Block 2, Parcel 44.2 (1.1± acres);
- c. Section 046.2, Block 1, Parcel 1 (133.6± acres);
- d. Section 046.2, Block 1, Parcel 2 (121.5± acres);
- e. Section 046.2, Block 1, Parcel 3 (63± acres);
- f. Section 046.2, Block 1, Parcel 4 (62.6± acres);
- g. Section 046.2, Block 1, Parcel 25 (1.9± acres); and
- h. Section 046.2, Block 1, Parcel 51 (107.6± acres).

The project site is owned by NYCO Minerals, LLC as described in the following deeds;

- a. Tax map Section 037.00, Block 2, Parcel 44.1 (207.4± acres) is described in a deed dated January 4, 2001, and recorded January 26, 2001, in the Essex County Clerk's Office in Liber 1274 of Deeds at Page 42.
- b. Tax map Section 037.00, Block 2, Parcel 44.2 (1.1± acres), Tax map section 046.2, Block 1, Parcel 1 (133.6± acres) tax map Section 046.2, Block 1, Parcel 2 (121.5± acres), Block 1, Parcel 3 (63± acres) and Tax map Section 046.2, Block 1, Parcel 4 (62.6± acres) Tax map Section 046.2, Block 1, Parcel 51 (107.6± acres) are described in a deed dated August 30, 1991, and recorded October 4, 1991, in the Essex County Clerk's Office in Liber 1000 of Deeds at Page 6.
- c. Tax map Section 046.2, Block 1, Parcel 25 (1.9± acres) is described in a deed dated March 1, 2000, and recorded March 7, 2000, in the Essex County Clerk's Office in Liber 1241 of Deeds at Page 189.

The project site contains an existing mineral extraction authorized by Agency Permit 2013-0138 and subsequent amendments. The project site is located within one-eighth mile of the Jay Mountain Wilderness Area and contains wetlands.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continued operation of a mineral extraction for an additional five years within a total affected area of 132.4 acres as authorized by Agency Permit 2013-0138 and subsequent amendments. No expansion of the mine or other changes are authorized.

The project is shown on the following Project Plans:

- "Mine Plan Map," prepared by Bowman and last revised August 16, 2024 (Mine Plan Map);
- "NYCO Seventy Road Mine Truck Route," prepared by H2H Associates and dated October 24, 2013 (Truck Route Map);

- “Reclamation Plan Map,” prepared by H2H Associates and dated September 18, 2013 (Reclamation Plan Map);
- “Wetland Mitigation Plan, Seventy Road Mine, Town of Lewis, Essex County, New York, NYSDEC Permit #5-1532-00007/00001, NYSDEC MLF# 50111, ACOE Application #NAN-2013-00376-UBR, APA Project 99-91i,” prepared by H2H Associates, LLC, dated June 2013, and revised December 2013 (Wetland Mitigation Plan);
- “Stream #3 Mitigation Plan, Seventy Road Mine, Town of Lewis, Essex County, New York, NYSDEC Permit #5-1532-00007/00001, NYSDEC MLF# 50111, ACOE Application #NAN-2013-00376-UBR, APA Project 99-91i,” prepared by H2H Associates, LLC, dated June 2013, and revised December 2013 (Stream Mitigation Plan); and
- “Stormwater Pollution Prevention Plan,” dated April 2009 and last revised January 2019 (Stormwater Pollution Prevention Plan or SWPPP).

A reduced-scale copy of the Mine Plan Map for the project is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

Agency Permit 2013-0138 was issued pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to the expansion by more than 25% of any mineral extraction extraction on Industrial Use or Rural Use lands or new land use or development within one-eighth mile of a Wilderness Area on Rural Use lands within the Adirondack Park. A permit was also required pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, as the authorized project involved excavation of a wetland in the Adirondack Park.

This permit amends Condition 25 of Permit 2013-0138D.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the mineral extraction continues on the site. Copies of this permit and all plans referenced herein shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2013-0138D in relation to the project site. The terms and conditions of Permit 2013-0138D shall no longer apply to the project site.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2013-0138E, issued September 12, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Construction Location and Size

6. This permit authorizes the mineral extraction and associated wetland excavation in the locations shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the mineral extraction shall require prior written Agency authorization.
7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within one-eighth mile of the Jay Mountain Wilderness area will require a new or amended permit. The undertaking of any activity involving wetlands not authorized herein also requires a new or amended permit.

Outdoor Lighting

8. Any new free-standing or building-mounted outdoor lights associated with the mineral extraction on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.

Signage

9. All signs associated with the mineral extraction on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

Tree Cutting/Vegetation Removal

10. Outside of the 132.4-acre Total Affected Area shown on the Mine Plan Map, no trees or other vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of 1) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard;

or 2.) removal of vegetation pursuant to a NYSDEC-approved 480A Forest Management plan.

Wetlands

11. Wetland mitigation shall be completed in accordance with the Wetland Mitigation Plan. The mitigation shall be completed no later than one full growing season following commencement of excavation in wetlands on the project site. A monitoring report shall be prepared and submitted annually by January 31 for the five years following the first full growing season after construction of the mitigation wetland. The performance standards specified in the Wetland Mitigation Plan shall be analyzed in the annual reports, and if the standards are not met, the corrective procedures specified in the Wetland Mitigation Plan shall be followed.

Stream Mitigation

15. Impacts to Stream #3 shall be mitigated in accordance with the Stream Mitigation Plan and with approvals from the NYSDEC and ACOE. A qualified independent contractor shall inspect construction activities related to the created mitigated stream. Any changes to the referenced plan shall be submitted to the Agency for review and approval.
16. The construction of the mitigation stream shall be completed prior to any impacts from mining activities to the un-named tributary.
17. A surveyed drawing showing as-built conditions of the restored stream mitigation channel and disturbed areas shall be submitted to the Agency within 60 days following completion of construction.
18. A copy of any post-construction stream mitigation monitoring reports required by the ACOE or NYSDEC shall be provided to the Agency. The Agency shall be consulted when monitoring indicates that a performance standard associated with the stream mitigation is not being met in order to determine an appropriate course of action.

Stormwater Management/Erosion and Sediment Control

19. All new stormwater management and erosion and sediment control practices shall be constructed and maintained in accordance with the Stormwater Pollution Prevention Plan.

Water Quality Monitoring

20. Water quality monitoring for all stormwater outfalls on the project site shall occur in accordance with NYSDEC's State Pollution Discharge Elimination System (SPDES) permit. A copy of all monitoring reports shall be provided to the Agency within 30 days of completion of the report, and any corrective action determined necessary by the Agency shall be implemented as required.

21. NYCO shall monitor the water quality of Derby Brook at all points on or adjoining the project site where water is diverted for domestic water supply purposes. The water shall be scientifically sampled and analyzed at least once a year thereafter during July or August when the extraction is being operated for evidence of changes in water turbidity, B.O.D., alkalinity, pH, mineral, bacterial and chloride content, and all other chemical characteristics critically related to the quality of domestic water supplies and aquatic life. NYCO shall submit a report of its findings, including the methods used and the persons and firms performing the analysis, to the Agency annually. Upon review of these reports and in consultation with NYSDEC, the Agency may revise these Derby Brook water quality monitoring conditions. In the event of evidence of significant deterioration in water quality such that human health or aquatic life may be threatened, the Agency shall require NYCO to submit a plan to rectify the threats for approval in the form of an amended permit.

Air Quality

22. Dust control and air emission measures shall be implemented in accordance with NYSDEC permitting and registration requirements.

Road Maintenance

23. NYCO shall contribute to road maintenance expenses and repairs on Seventy Road and Wells Hill Road as agreed upon with the Town of Lewis.

Reclamation

24. Reclamation shall be an on-going process whereby areas no longer needed for extraction purposes shall be promptly and successfully reclaimed as depicted on the Reclamation Plan Map.

Hours of Operation

25. Trucking, excavating, crushing, stockpiling, constructing infrastructure, and reclamation activities shall only occur between 7am and 6pm, from Monday through Friday, and between April 1 and November 30, except Memorial Day, Independence Day, Labor Day, or Thanksgiving Day. In addition, excavation and stockpiling of overburden and caprock may occur between November 30 and April 1, between 7:30am and 5:30pm, Monday through Friday, except Christmas Day and New Year's Day. Maintenance activities on mine roads on the project site and equipment and access to and from the site by NYCO employees may occur at any time.

Trucking

26. No more than 63 truckloads may be removed from the project site on any day between April 1 and June 30 and between September 1 and November 30. No more than 45 truckloads may be removed from the project site on any day between July 1 and August 31. These truckloads may consist of ore or aggregate, but no more than 108 total truckloads of ore from the project site and

NYCO's Oak Hill facility combined may be trucked to NYCO's processing plant in Willsboro on any day as detailed in the Truck Route Map.

27. Upon prior written approval from the Agency, additional truckloads of aggregate may be removed from the project site to supply aggregate for state or municipal emergency projects.

Blasting

28. Blasting shall occur only between 10am and 5pm, from Monday through Friday. Blasting shall occur only between April 1 and November 30, except Memorial Day, Independence Day, Labor Day, and Thanksgiving Day. Upon prior written Agency approval, blasting may take place on Saturdays for safety reasons or when climatological conditions prevented blasting during the week.
29. There shall be no more than three blasts per week at the project site and the NYCO Minerals, LLC Oak Hill facility combined.
30. Blasting notification, methods, and monitoring shall occur in accordance with the current NYSDEC mining permit for the site.

Permit Term

31. This permit shall expire upon the expiration date of any Mined Land Reclamation Permit issued by the New York State Department of Environmental Conservation (DEC), unless the Mined Land Reclamation Permit has been re-issued or a new permit issued by the DEC and written authorization for continued operation has been obtained from the Agency prior to that date.

Reports

32. An annual report shall be provided to the Agency by January 31st of each year. This report shall include information regarding the previous year's operation, including but not limited to the daily number of truck trips of ore and aggregate, dates and number of blasts, tons of ore mined, up-to-date mining projections, reclamation status, and the number and content of any complaints received and how the complaints were resolved.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein complies with the above criteria.

PERMIT issued this 12th day
of September, 2024.

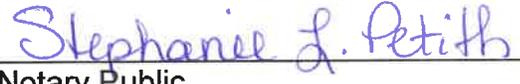
ADIRONDACK PARK AGENCY

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

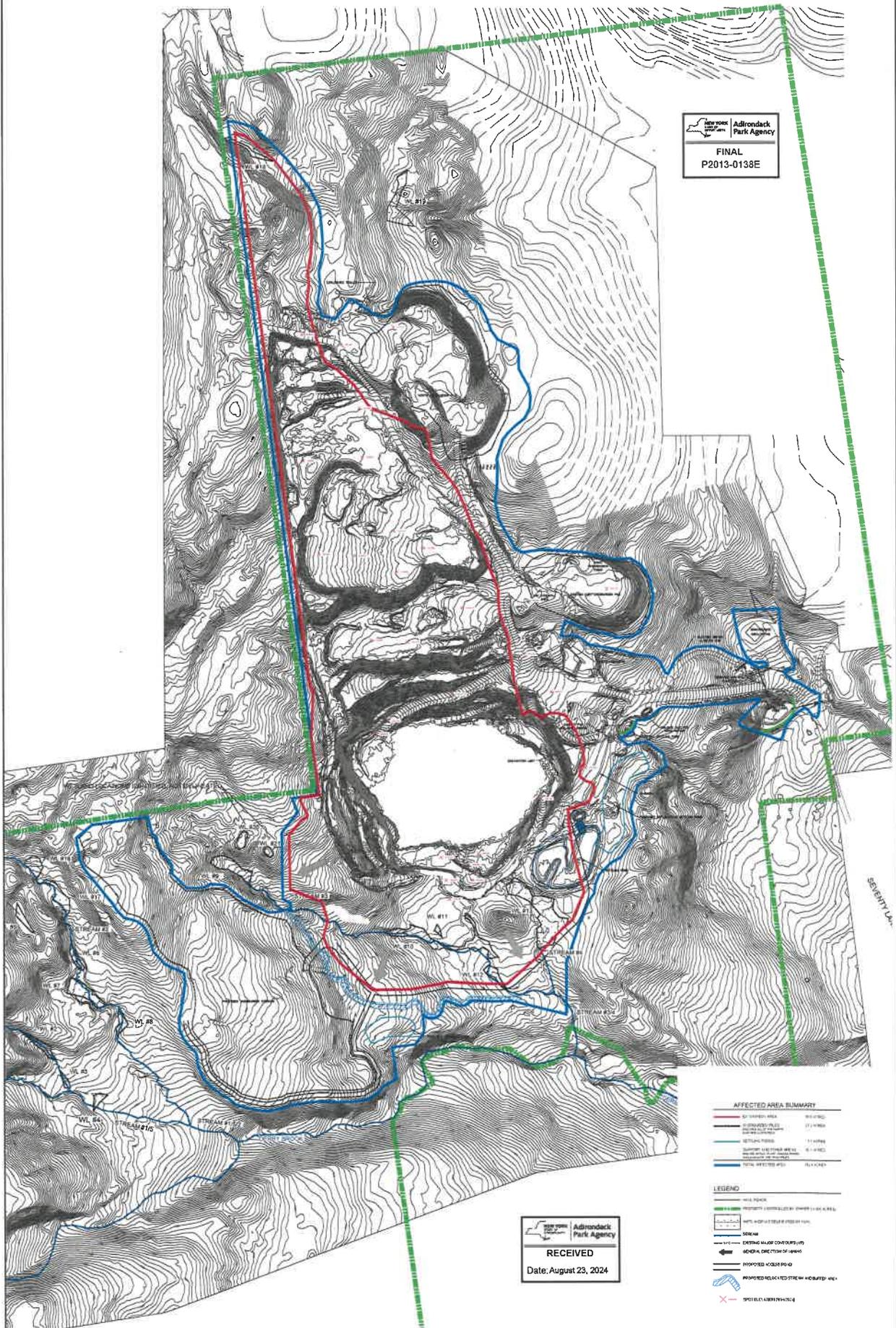
STATE OF NEW YORK
COUNTY OF ESSEX

On the 12th day of September in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public


**Adirondack
Park Agency**
 FINAL
 P2013-0138E



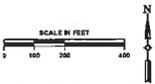

**Adirondack
Park Agency**
RECEIVED
 Date: August 23, 2024

AFFECTED AREA SUMMARY

50' BUFFER AREA	80.0 ACRES
20' BUFFER AREA	17.0 ACRES
WATERWAYS	1.0 ACRES
QUANTUM LID THRESHOLD AREA	0.1 ACRES
TOTAL AFFECTED AREA	100.1 ACRES

- LEGEND**
- 50' BUFFER AREA
 - 20' BUFFER AREA
 - WATERWAYS
 - QUANTUM LID THRESHOLD AREA
 - PROPOSED ACCESS ROAD
 - PROPOSED RELICTED STREAM
 - SPITILE ABBREVIATION

DRAWING REFERENCE:
 1) BASE MAPPING FROM 1942-1951 AERIAL SURVEY
 2) CONTOUR INTERVAL = 10'
 3) PROVIDED BY LEGAL, ELEVATION LIMIT, AND AFFECTED AREA LIMIT PROVIDED BY NYCO.



DATE	REVISIONS	DESCRIPTION	DRAWN BY	DATE	SCALE	PROJECT NO.	FIGURE NO.
THIS DRAWING IS NOT TO BE USED FOR ENGINEERING PURPOSES							
				MINE PLAN MAP			
				NYCO MINERALS SEVENTY ROAD MINE			
				SEVENTY ROAD MINE			
				ADIRONDACK COUNTY, NY			
				Bowman			
				FIGURE 1			