

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 2023-0256</p>
<p>In the Matter of the Application of</p> <p>NYCO MINERALS, LLC PULSIFER LOGGING, LLC Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 3, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none">1. NYCO Minerals, LLC2. Pulsifer Logging, LLC

SUMMARY AND AUTHORIZATION

This permit authorizes the continued operation and expansion of an existing mineral extraction in an area classified Moderate Intensity Use, Rural Use, Resource Management, and Industrial 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 permittees, 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 permittees 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, often referred to as the Oak Hill mine, comprises 785.94± acres of land located on NYS Route 9 and Pulsifer Lane in the Town of Lewis, Essex County, in an area classified Moderate Intensity Use, Rural Use, Resource Management, and Industrial Use on the Adirondack Park Land Use and Development Plan Map. The site includes the following parcels:

- Tax Map Parcels 37-2-52, 38.3-1-27, 38.3-1-39.110, 38.3-1-39.120, 47.1-1-1.110, and 47.1-1-1.140, all owned by NYCO Minerals, Inc. (collectively with NYCO Minerals, LLC referred to herein as NYCO) as described in a deed dated August 30, 1991, and recorded on October 4, 1991, in the Essex County Clerk's Office at Book 1000, Page 6. These parcels were authorized as lawful by Agency Permit 90-513.
- Tax Map Parcel 46.2-1-42.200, owned by NYCO as described in a deed dated January 13, 1992, and recorded on January 14, 1992, in the Essex County Clerk's Office at Book 1006, Page 144. This parcel was authorized as lawful by Agency Permit 91-201.
- Tax Map Parcel 37-2-51, owned by Pulsifer Logging, LLC (referred to herein as Pulsifer) as described in a deed dated December 13, 2021, and recorded on February 28, 2022, in the Essex County Clerk's Office under Instrument Number 2022-1050.
- Tax Map Parcel 38.3-1-2, owned by Pulsifer as described in a deed dated January 11, 2022, and recorded on February 28, 2022, in the Essex County Clerk's Office under Instrument Number 2022-1053. This parcel was authorized as lawful by Agency Permit 90-513.

The project site is improved by an existing mineral extraction and related infrastructure as approved by Agency Permit 96-76 and its amendments and Agency Permit 2000-0058. The existing operation involves the extraction of wollastonite ore from the project site, with the ore transported to a processing plant operated by NYCO in the Town of Willsboro, Essex County. Aggregate material is transported from the project site to various locations.

The existing mineral extraction involves a 149.8±-acre affected area, including a 34.6±-acre excavation area, 33.0±-acre permanent overburden storage area, and 6.5±-acre operations area, all located on NYCO tax parcels 47.1-1-1.140, 46.2-1-42.200, 37-2-52, and 38.3-1-27. The existing affected area also includes an approximately 19.2±-acre road providing access to Route 9 across NYCO tax parcels 38.3-1-39.120, 38.3-1-39.110, and 47.1-1-1.110, and across the southern portion of Pulsifer tax parcels 38.3-1-2 and 37-2-51. No other mineral extraction activities or structures are located on the parcels owned by Pulsifer, and no structures or other development are located outside the existing affected area on the parcels owned by NYCO.

NYS Route 9 and Pulsifer Lane border the project site to the southeast. Beaver Brook extends north from NYS Route 9 to form a portion of the eastern boundary of the site, and Derby Brook extends west from Pulsifer Lane to form a portion of the southern boundary of the site. A third water body, Patterson Creek, traverses from west to east across the Pulsifer lands, and to the south and east across the northeastern portions of

the NYCO lands. State lands included in the Taylor Ponds Wild Forest border a 550±-foot-long section of the northwestern boundary of the site. Residential properties along Pulsifer Road adjoin the southeastern portion of the site; the remainder of the project site is bordered by large tracts of forested private lands.

As described in Agency Permit 96-76, the project site contains shrub swamp and emergent marsh wetlands, including a large wetland associated with Beaver Brook with a value rating of "1", and other wetlands with a value rating of "2". Construction of the existing access road to the site required the filling of 0.47 acres of wetlands; 0.70 acres of new wetland area was created by excavation and natural revegetation to compensate for this loss, as authorized by Permit 96-76. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The above-ground excavation, storage, processing, and operations areas are located within an Industrial Use land use area on NYCO tax parcels 47.1-1-1.140, 46.2-1-42.200, 37-2-52, and 38.3-1-27; this Industrial Use area was re-classified from Resource Management pursuant to Agency Map Amendment 91-1. The remainder of parcels 47.1-1-1.140, 46.2-1-42.200, and 37-2-52 are classified as Resource Management, with parcel 38.3-1-27 containing both Resource Management and Rural Use lands. Pulsifer tax parcels 38.3-1-2 and 37-2-51, which contain the northern portion of the access road, are classified as Resource Management and Rural Use, while NYCO parcels 38.3-1-39.120, 38.3-1-39.110, and 47.1-1-1.110, which contain the eastern portion of the access road, are classified as Moderate Intensity Use.

Agency Permit 2013-0138 authorized the expansion of a pre-existing mineral extraction at NYCO's Seventy Road mine site, also located in the Town of Lewis, Essex County. The activities authorized by Permit 2013-0138 involve disturbance to a wetland and stream on the Seventy Road site, with compensation for those disturbances authorized to take place on the Oak Hill mine site by Agency Permits 2013-0138 and 96-76MR. The expansion authorized by Agency Permit 2013-0138 and its amendments has not been undertaken but the authorization remains in effect.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the following changes to the previously authorized mineral extraction at the Oak Hill mine site:

- Extension of the hours of operation of the existing above-ground mineral extraction from Monday to Friday, 7:30am to 6pm, to Monday to Saturday, 7:30am to 6pm, for a five-year period;
- Commencement of underground mining using room and pillar methods within the existing affected area and an additional 33.5±-acre area to the west of the existing affected area; and
- Extension of the permit term.

The project does not involve any expansion of the existing 149.8±-acre above-ground mineral extraction footprint, including no horizontal expansion of the excavation area or access road.

The project is subject to the following New York State Department of Environmental Conservation (NYSDEC) Permits:

- Mined Land Reclamation Permit;
- Individual State Pollutant Discharge Elimination System (SPDES) Permit; and
- Water Withdrawal Non-Public Permit.

The project is shown on the following maps, plans, and reports (Project Plans):

- “Proposed Mine Plan,” prepared by H2H, last revised September 20, 2024, and received by the Agency on October 15, 2024 (Mine Plan);
- “Mine Plan,” prepared by H2H, last revised January 31, 2020, and received by the Agency on October 15, 2024 (Existing Mine Plan);
- A 10-page narrative received by the Agency on October 15, 2024 (Project Narrative);
- “Proposed Portal Plan,” prepared by H2H, last revised September 20, 2024, and received by the Agency on October 15, 2024 (Portal Plan);
- “Hydrogeologic Cross Sections,” prepared by H2H, dated September 25, 2024, and received by the Agency on October 15, 2024;
- “Sound Study Oak Hill Mine,” prepared by Bowman Consulting, Engineering, Land Surveying and Landscape Architecture, dated October 2024, and received by the Agency on October 15, 2024 (Noise Impact Assessment);
- “APA Permit 2023-0256 Condition 21. 1-Hour Equivalent Sound Monitoring Methodology,” received by the Agency on March 24, 2025 (Noise Monitoring Plan);
- A one-page list of neighbors that are notified prior to a blast, received by the Agency on January 27, 2025 (Blasting Notification List);
- “Reclamation Plan,” prepared by H2H, last revised September 20, 2024, and received by the Agency on October 15, 2024, with updated Sheet 1 received on January 24, 2025 (together the Reclamation Plan); and
- “Stormwater Pollution Prevention Plan,” prepared by H2H Geoscience Engineering, revised May 2023, and received by the Agency on October 15, 2024 (SWPPP).

The compensatory wetland and stream work approved by Agency Permit 2013-0138 for implementation on the project site are described and depicted in the following:

- A document titled “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).
- A document titled “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).

A reduced-scale copy of the Mine Plan is attached as a part of this permit for 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

Pursuant to Condition 5(a) of Agency Permit 96-76, Agency authorization is required for the undertaking of any mineral extraction activities on Saturdays.

Pursuant to Condition 1 of Agency Permit 96-76, Agency authorization is required for the undertaking of mineral extraction activities other than as described in the application and findings for that permit.

Pursuant to Condition 18 of Agency Permit 96-76V, an extension of the permit term is required for the continued undertaking of mineral extraction activities on the project site.

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 permittees, 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 remains on the site. Copies of this permit and the Project Plans shall be furnished by the permittees to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittees 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 Permits 96-76 and 96-76V. The terms and conditions of Permits 96-76 and 96-76V shall no longer apply.

This permit amends and supersedes Permit 2000-0058. The terms and conditions of Permit 2000-0058 shall no longer apply.

This permit amends and supersedes Permit 90-513 in relation to tax parcels 37-2-52, 38.3-1-27, 38.3-1-39.110, 38.3-1-39.120, 47.1-1-1.110, 47.1-1-1.140, and 38.3-1-2. The terms and conditions of Permit 90-513 shall no longer apply to these properties.

This permit amends and supersedes Permit 91-201 in relation to tax parcel 46.2-1-42.200. The terms and conditions of Permit 91-201 shall no longer apply to this property.

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 2023-0256, issued April 3, 2025, the conditions

of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

Project Operations

6. This permit authorizes the continued operation and expansion of a mineral extraction in the location 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. Except as otherwise conditioned herein, all above ground mining activities shall only occur between 7:30am and 6pm, Monday through Saturday.

Overburden and cap rock stripping, on-site hauling, and stockpiling are authorized to take place on the project site year-round. All crushing, screening, processing, and other above ground mining activities shall take place only between April 1 and October 31 annually.

8. Except to allow for continued stockpiling and reclamation as depicted and described in the Reclamation Plan, there shall be no above ground mining activities on the project site after April 3, 2030, without a new or amended permit.

9. Following construction of the underground inclined ramp from the surface to Mine Level 3 as shown on the sheet titled “Reclamation Plan – Underground Level 2” of the Reclamation Plan, underground mining activities occurring at least 300 linear feet from the underground portal shown on the Portal Plan are authorized to take place on the project site year-round, with no limitation on operational hours. There shall be no equipment operating above ground between 6pm and 7:30am other than the generator for the quarry office as referenced in the Project Narrative, ventilation system for underground operations as referenced in the Project Narrative, the generator associated with underground mining activities as detailed in Figure 5 of the Noise Impact Assessment, lighting as authorized herein, and pick-up trucks and other passenger vehicles transporting personnel from the quarry office to the underground portal.

No mining activities shall occur on New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, or Christmas Day.

10. On-site maintenance activities are authorized to take place on the project site year-round, with no limitation on operational hours from Monday through Friday. Outdoor maintenance activities shall only occur between 7:30am and 6pm on Saturdays. There shall be no outdoor maintenance activities on Sundays.

The applicant may exceed these hours in emergency situations.

Blasting

11. All blasting shall occur in compliance with the requirements of the Mined Land Reclamation Permit issued by NYSDEC.

12. Up to two blasts per week for the purpose of above-ground mining may occur at the project site between November 1 and March 31, each year. Between April 1 and October 31 of each year, there shall be no more than three blasts per week for the purpose of above-ground mining at NYCO's Seventy Road facility and the project site combined.

Blasting for the purpose of above-ground mining shall only occur between 11am and 5pm, Monday through Friday.

At least one half-hour before each blast for the purpose of above-ground mining, notification of the blast shall be provided to the Town of Lewis and to all properties referenced in the Blasting Notification List.

Blasting for the purpose of above-ground mining shall include blasting for all mineral extraction activities approved to date on the project site by Permits 96-76 and 96-76V. Blasting for the purpose of above-ground mining shall also include blasting for the construction of the above-ground portion of the portal and the underground inclined ramp from the surface to Mine Level 3 as shown on the sheet titled "Reclamation Plan – Underground Level 2" of the Reclamation Plan, as well as underground blasting until the effects of air blast and peak particle velocity at the surface are measured and documented to be at negligible levels.

13. Provided the effects of air blast and peak particle velocity at the surface have been measured and documented to be at and remain at negligible levels, blasting for underground mining activities may occur on the project site year-round, between 9am and 6:30pm Monday through Saturday, with no limitation on the number of blasts.

Trucking

14. Trucking to and from the project site shall only occur on weekdays between 7:30am and 6pm, and only between April 1 and October 31 of each year. Any off-site trucking outside of these hours or days shall require prior written Agency authorization.
15. No more than 108 total truckloads of ore may be transported daily from the project site and NYCO's Seventy Road facility combined to NYCO's processing plant in Willsboro. Trucks carrying ore from the project site must have a capacity of at least 24 tons.

The transportation of ore to any location other than NYCO's processing plant in Willsboro shall require prior written authorization.

16. No more than 46 truckloads of aggregate may be transported daily in any direction from the project site. Trucks carrying aggregate from the project site must have a capacity of at least 20 tons.

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.

Tree Cutting/Vegetation Removal

17. Outside of the area shown as the "Life of Mine: (Same as Affected Area)" on the Existing Mine Plan, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned, or otherwise removed or disturbed on the portion of the project site currently owned by NYCO, except for a) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard, and b) the mowing or other maintenance of existing cleared areas on tax parcels 38.3-1-39.120, 38.3-1-39.110, and 47.1-1-1.110.

Lighting

18. New outdoor lights may be placed within 100 feet of the "Underground Portal" shown on the Mine Plan, provided they employ full cut-off fixtures that are shielded to direct light downward and not into the sky or adjoining property. Any other new outdoor lighting on the project site shall require prior written Agency authorization.

Signage

19. 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].

Water Quality

20. The water quality of Patterson and Derby Brooks shall continue to be monitored once per year, in July or August, at two points at each brook on or adjoining the project site, with one point upstream of the mine and one point downstream of the mine. A report documenting the information collected through this monitoring, including water turbidity, B.O.D., alkalinity, pH, bacterial (including coliform) and chloride content, total suspended solids, conductivity, settleable solids, and ammonia nitrogen, shall be provided to the Agency by February 15 of each year.

Noise

21. Noise measurements shall be taken three times per year between 7:30am and 6pm, Monday through Saturday, between April 1 and October 31, at the residences located on tax map parcels 46.2-1-36.00, 46.2-1-41.000, 47.1-1-1.120, and 46.2-1-43. Using the methodology and procedures described in the Noise Monitoring Plan, all mining activities on the project site (except for noise generated by blasting) shall be undertaken in a manner that limits the one-hour equivalent noise level (L_{eq}) emanating from the site to 54 dBA as measured at these residences. A noise monitoring report shall be provided to the Agency by February 15 of each year.

Stormwater Management/Erosion Control

22. The project shall be undertaken in compliance with the NYSDEC SPDES permit and the SWPPP.

Reclamation

23. Reclamation shall occur as depicted and described in the Reclamation Plan.

Wetland Compensation – Seventy Road Mine

24. Wetland mitigation as required by Agency Permit 2013-0138 and its amendments shall be completed in accordance with the Wetland Mitigation Plan. The mitigation shall be completed no later than one full growing season following the commencement of excavation in wetlands at the Seventy Road mine as described in Agency Permit 2013-138. A monitoring report containing the information specified in the Wetland Mitigation Plan shall be prepared and submitted annually by February 15 for five years following the first full growing season after construction of the mitigation wetland. If the report shows that any of the performance standards specified in the Wetland Mitigation Plan are not met, the applicable corrective procedures shall be followed.

Stream Mitigation – Seventy Road Mine

25. As required by Agency Permit 2013-0138 and its amendments, prior to any impacts to the unnamed tributary labeled as Stream #3 at the Seventy Road site, the culvert enhancement at Patterson Creek shall be completed as described and detailed in the Stream Mitigation Plan.

Reports

26. The applicant shall provide an annual report to the Agency by February 15 of each year containing the information regarding the previous year's operation. The annual report shall include, at a minimum, the number of ore and aggregate truck trips per day, tons of ore mined, tons of aggregate produced, up-to-date mining projections, and the number and content of any complaints received and the resolution of the complaints.

Permit Term

27. This permit shall expire on April 3, 2030, unless an application for renewal has been submitted at least one month prior to that date.

CONCLUSIONS OF LAW

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

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

PERMIT issued this 3rd day
of April, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch
Ariel Lynch
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 3rd day of April in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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

Stephanie L. Petith
Notary Public

