

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached Negative Declaration dated 10/28/2024

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

see attached

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
NYS Department of Environmental Conservation as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Riato Stone LLC – ~13.4-acre expansion

Name of Lead Agency: NYS Department of Environmental Conservation

Name of Responsible Officer in Lead Agency: Rebecca S. Crist

Title of Responsible Officer: Deputy Permit Administrator

Signature of Responsible Officer in Lead Agency: *Rebecca S. Crist*

Date: 10/28/2024

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Rebecca S. Crist

Address: 21 South Putt Corners Road, New Paltz, NY 12561

Telephone Number: 845-256-3014

E-mail: rebecca.crist@dec.ny.gov

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

617.21  
State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

DEC Id Number: 3-4828-00061/00005, /00009, /00010

Date: October 28, 2024

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (ECL).

The NYS Department of Environmental Conservation (DEC), in a coordinated review, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Riato Stone LLC – ~13.4-acre expansion

**Name of Project Sponsor:** Riato Stone LLC

**SEQR Status:**      **Type I**      ☒  
                                 **Unlisted**      ☐

**Description of Action:**

The applicant proposes to revise the permit pursuant to Article 23, Title 27 of the ECL, Mined Land Reclamation, to expand the life of mine boundary by 13.4 acres from 18.2 acres to 31.6. No change in operation is proposed. A new permit pursuant to Article 17, Titles 7, 8 of the ECL, State Pollutant Discharge Elimination System (SPDES), is proposed for stormwater from the expansion area, which will drain to the existing dredge pond, be treated, and discharged through a new outfall. A new permit pursuant to Article 24 of the ECL, Freshwater Wetlands, for construction of the new outfall within the adjacent area of freshwater wetland LE-20. The proposal also includes the expansion of the dredge pond within the currently permitted mined area from ~2.8 acres to ~3.5 acres.

**Location:**

The currently permitted mine site address is 40 McIntosh Road, Liberty, NY. The proposed expanded life of mine would occur on the northern portion of the existing mine parcel SBL 7.-1-3.1, hereafter referred to as the expansion area.

**Reasons Supporting This Determination:**

The DEC has reviewed this proposed mining project for potential impacts to the following resources: land, surface waters and wetlands, agricultural resources, environmental justice, and noise levels. Potential impacts are discussed below.

- 1) Impacts to Land: The proposal is for the removal of approximately 20,000 cubic yards of sand and gravel from approximately 13.4 acres over an estimated 20-year period, market dependent. All mined areas are proposed to be reclaimed as a mix of water<sup>1</sup>, bedrock outcrops, and open grassland suitable for a wide range of potential future land-uses.

All final side slopes in the expansion area will be graded to no steeper than one vertical on two horizontal. Areas compacted by heavy equipment will be scarified to facilitate root penetration prior to placement of topsoil for reclamation. The final above water floor and perimeter slopes will be covered with six inches of on-site topsoil capable of supporting and sustaining vegetation and

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<sup>1</sup> The pond is in the currently permitted life of mine and no new waterbodies are proposed are the expansion area.

planted with grasses and legumes.

No significant land impacts are expected.

- 2) Impacts to Surface Waters and Wetlands: No changes in the use of the existing mine pond are proposed but the area is proposed to be expanded. Stormwater that comes in contact with industrial activity in the active mine area is presently captured and conveyed to the facility dredge pond. The wash plant also utilizes the dredge pond as part of its water recycling system. Stormwater from the expansion area will be captured and conveyed by drainage ditches and a storm water basin to the expanded dredge pond. Treated overflow from the dredge pond will be discharged to the proposed Outfall 002. The outfall is proposed at the edge of the Freshwater Wetland LE-20, within the regulated adjacent area and adjacent to the Class B(T) stream, NYS Waters Index Number D-10-33, an unnamed tributary of East Mongaup River. No direct disturbance to the wetland or stream is proposed. The site currently has coverage under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity for discharges to Outfall 001 of spring water and unaffected area runoff diversion. There is currently no discharge from the dredge pond.

All discharge through Outfall 002 will be treated with a flocculant control system to reduce sediment. The individual SPDES permit will establish effluent limits for the discharge to the wetland, including a temperature limit of 70° F for protection of trout waters. Standard erosion and sediment controls will be utilized in construction of the outfall and the outfall design will be sufficient to preclude any erosion to the wetland or stream. All handling of fuel on the site will be in accordance with best management practices to prevent spillage or exposure of surface waters to fuel.

No significant impacts to surface waters or wetlands are expected.

- 3) Impacts to Agricultural Resources: The site of the expansion area consists of three United States Department of Agriculture (USDA) soil types: Tunkhannock, Wellsboro and Wurtsboro, and Wurtsboro loam. Tunkhannock is designated as 'prime farmland' and Wurtsboro loam as 'farmland of statewide significance'. The entire parcel is within an Agricultural District designated under Article 25-AA of the NYS Agriculture and Markets Law. There is no current agricultural activity on the site or adjacent parcels.

The majority of the expansion area is the Wellsboro and Wurtsboro soil class, which is not identified as an important agricultural resource. All topsoil will be stripped and stockpiled for use in reclamation. To the greatest extent possible, the topsoil will be stored separately from the overburden. Prior to final use in reclamation, the topsoil fertility will be tested and amended as needed and the seeding mix includes nitrogen-fixing legumes which will enhance the soil fertility. The reclamation plan for the site does not preclude its future use for agriculture.

No significant impacts to Agricultural Resources are expected.

- 4) Impacts to Environmental Justice: The existing mine and expansion area are within a Potential Environmental Justice Area and a NYS Disadvantaged Community. An enhanced public participation plan was developed by the applicant and accepted by DEC in accordance with Commissioner's Policy #29, Environmental Justice and Permitting. The plan includes an online

repository of documents, notification by mail to potentially effected landowners, and a public meeting. Because there is no change in the process plant or rate of mining, there is no potential increase in greenhouse gases or co-pollutants, so no analysis is required of impacts on a disadvantaged community pursuant to section 7(3) of the Climate Leadership and Community Protection Act.

No significant environmental justice impacts are expected.

5) Impacts to Noise Levels: The noise impact assessment was prepared and reviewed in accordance with NYSDEC Policy DEP-00-1, "Assessing and Mitigating Noise Impacts". Noise sources onsite include equipment (excavators, bulldozers, and trucks) and the existing portable crushing and screening processing plant and wash plant. The processing and wash plants will remain in the currently permitted Life of Mine Area. Mining will continue to be screened from surrounding properties by maintaining wooded areas, the natural topography, the mine faces, the remote location of the mine, and the construction of perimeter berms. Only that area which is needed for one season's operation will be stripped, maintaining vegetated buffers for as long as practicable. All equipment will have sound control devices such as mufflers and will be maintained in good working order to reduce potential noise at the source. No increases in ambient noise are projected in excess of 5 dBA, which is categorized in the DEC noise policy as "Unnoticed to tolerable".

With the mitigation proposed, no significant impacts to noise levels are expected.

6) Impact on Other Resources or Other Environmental Concerns: The Department has found that the proposal will not cause any significant adverse impacts on any other resources.

#### **For Further Information:**

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#### **Reviewed Documents:**

- Response letter to March 15, 2024, RFAI, dated March 29, 2024
- Modification Application for Permit to Mine and Mined Land Use Plan, dated March 2024
  - Appendix A Mining Permit Application and Organizational Report Form
  - Appendix B Database Search -USFWS IPAC and the NYSDEC Environmental Resource Mapper
  - Appendix C Full Environmental Assessment Form
  - Appendix D Wetland Delineation Map
- MLUP Figures
  - Figure 1 Site Location
  - Figure 2 Noise Impact Assessment Map

SEQR Negative Declaration – 10/28/2024  
Riato Stone LLC – ~13.4-acre expansion  
DEC Id Number: 3-4828-00061/00005, /00009, /00010

- Figure 3 Intervening Topography Cross Sections
- MLUP Plans
  - Sheet 1 Mine Plan Map
  - Sheet 2 Reclamation Plan Map
  - Sheet 3 Final Grade Profiles
- Noise Impact Assessment for New York State Department of Environmental Conservation, April 2013
  - Noise Impact Assessment Map dated September 27, 2012
- Freshwater Wetlands Permit Application:
  - Joint Application Form
  - Outfall plan titled “Project Plan, Riato Stone, LLC”, dated 05/18/2022
- SPDES Permit Application:
  - SPDES Application Form NY-2C
  - Engineer’s Report for Individual SPDES Permit, dated December 2021
  - Conditional Exclusion Certification for Exclusion from Mercury Permit Limitation Form
  - Mercury Sample Analysis