



US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

PUBLIC NOTICE

In replying refer to:

Public Notice Number:2003-00893-YN
Issue Date:April 21, 2004
Expiration Date:May 21, 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: NYCO Minerals, Incorporated
124 Mountain View Drive
Willsboro, NY 12996

ACTIVITY: Discharge fill material into waters of the United States to expand an existing mine operation.

WATERWAY: Wetlands adjacent to an unnamed tributary to Derby Brook in the Lake Champlain basin

LOCATION: Town of Lewis, Essex County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE. otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

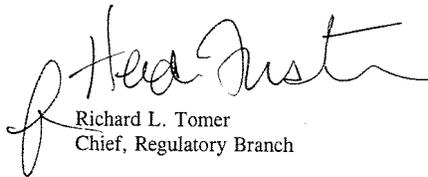
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Mined Land Reclamation Permit
- Adirondack Park Agency Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 273-7420 and ask for Kevin Bruce.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, NYCO Minerals, Incorporated has requested Department of the Army authorization for the discharge of fill materials into waters of the United States to facilitate the expansion of an existing Wallastonite mine operation known as the Seventy Road Mine. The site is located on the west side of Seventy Road, in the Town of Lewis, Essex County, New York.

The work would involve the discharge of fill material into 0.79 acres of emergent and forested wetlands resulting from the blasting and excavation of materials to expand the mining operation from 59.9 to 89.8 acres. To mitigate for the proposed impacts to aquatic resources, the applicant is proposing to establish 3.6 acres of wetlands in close proximity to wetlands that are adjacent to Derby Brook, at the applicant's Oak Hill Mine site, located along Pulsifer Road approximately 2.5 miles east the Seventy Road Mine.

In addition, a storm water management system would be constructed in uplands, adjacent to the lower portions of Wetland B, which would not be impacted by the project. The system would consist of a sump in the quarry, a plunge pool where the pumped water is initially discharged, and a main pond. The outfall from the pond would be across a 140 foot-long spillway, creating a non-point source of water to replenish Wetland B. To prevent water from flowing back to the excavated area from the wetland, a small vegetated berm would be constructed along the edge of the excavation area that borders the wetland.

The purpose of the mine expansion is to extend the life of mining operations at the Seventy Road Mine by removing additional reserves of Wallastonite, thereby delaying the full development of the Oak Hill Mine Site. On July 26, 2002, the applicant received Department of the Army authorization for the construction of an access road to provide service to the Oak Hill Mine.



Approximate Location of Seventy Road Mine

Approximate Wetland Mitigation Area

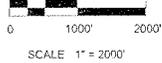


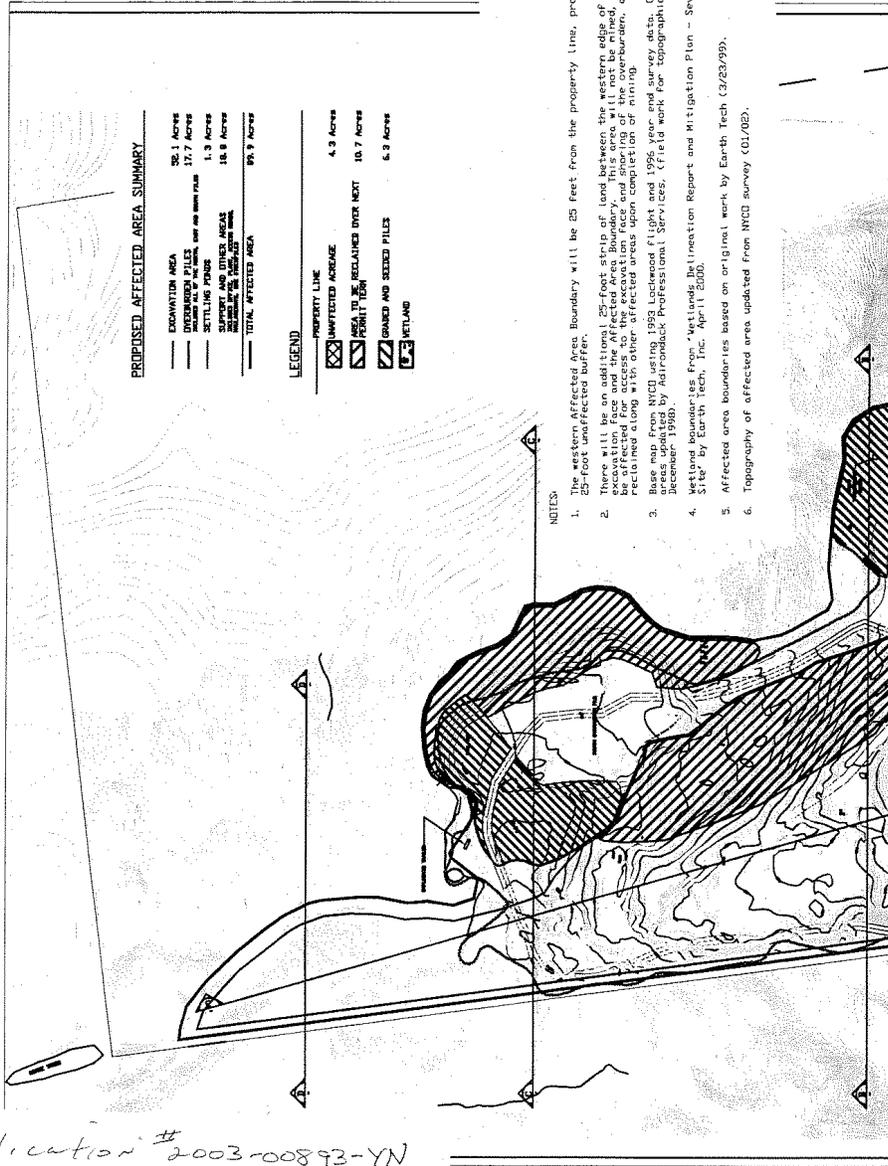
Figure 1. Site Location
NYS DOT Topographic Map

Lewis Quadrangle

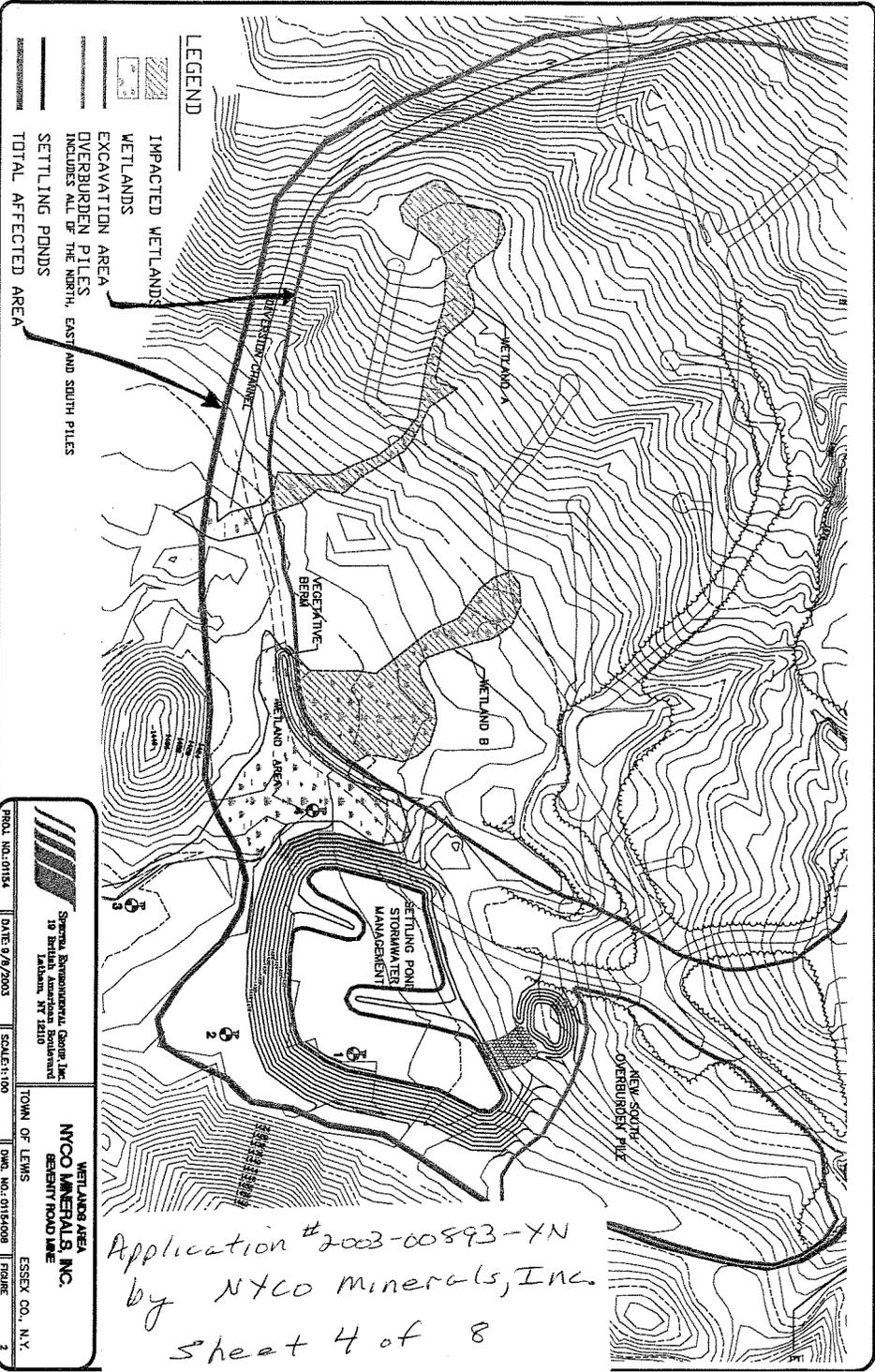
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by NYCO Minerals, INC. -
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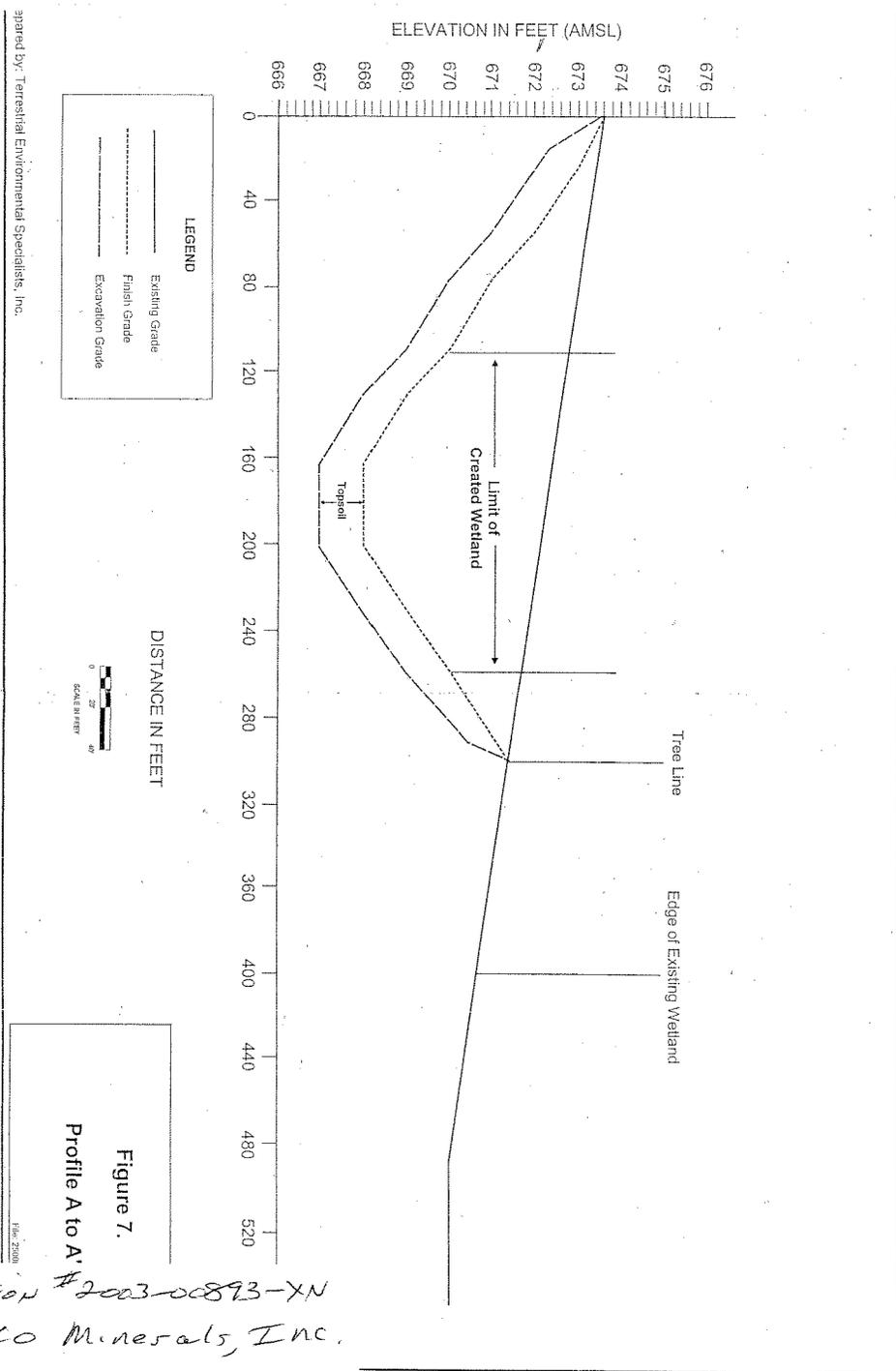
MATCH TO SHEET 3
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 State of New York
 Department of Environmental Conservation
 19 Bedford Avenue, Room 609
 Albany, NY 12242

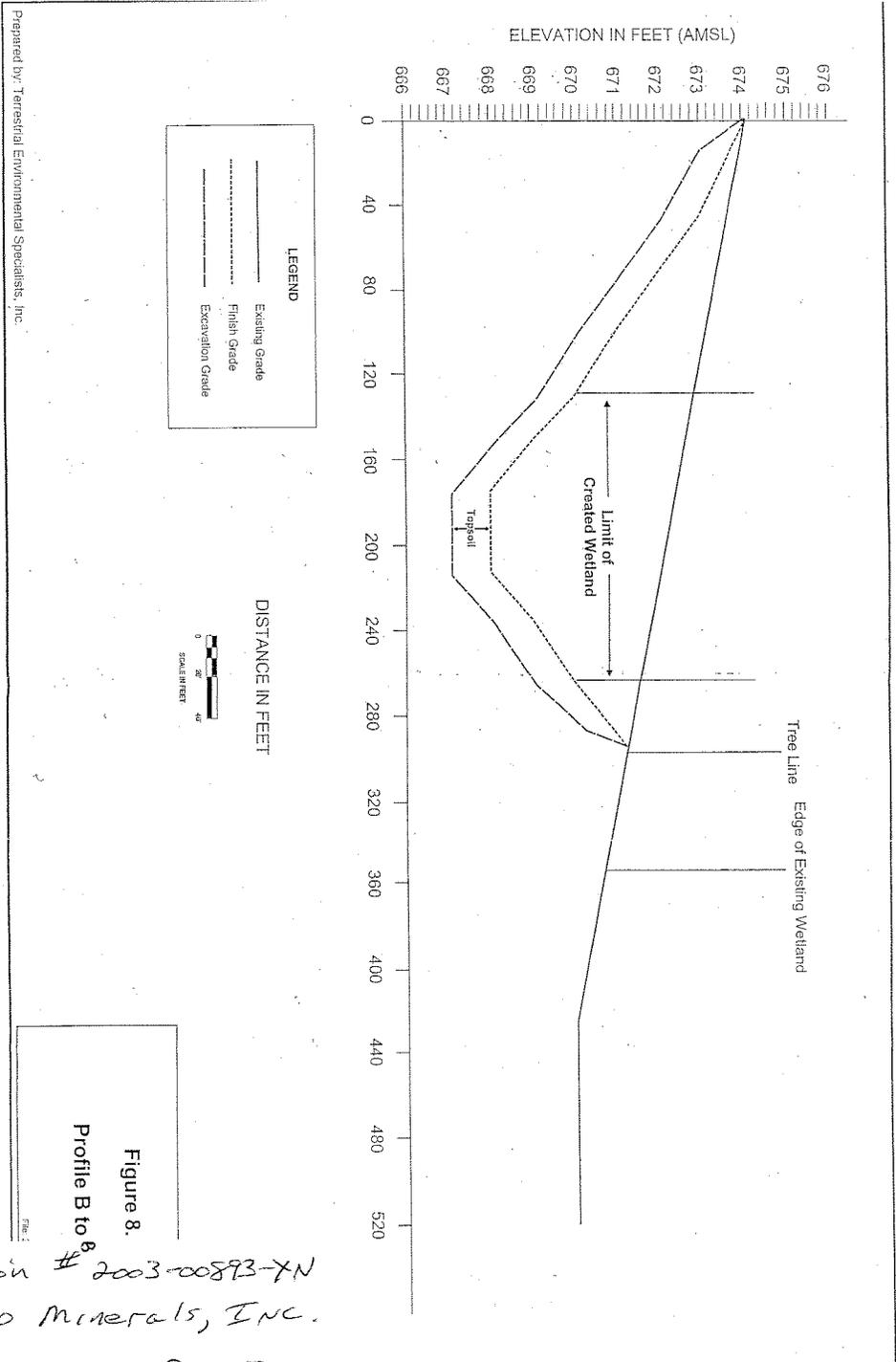
WETLANDS AREA
NYCO MINERALS, INC.
 BESSIE ROAD LINE

PROJ. NO.: 01154 DATE: 9/9/2003 SCALE: 1"=100'
 TOWN OF LEWIS DWR. NO.: 0154008 ESSEX CO., N.Y.
 FIGURE 2



prepared by: Terrestrial Environmental Specialists, Inc.

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