



PUBLIC NOTICE

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

In replying refer to:
Public Notice Number: NAN-2017-00352-WNE
Issue Date: July 11, 2018
Expiration Date: August 10, 2018

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: Wingdale Materials, LLC
20 Harlem Avenue
White Plains, NY, 10603

ACTIVITY: Establishment of a surface construction aggregate mine

WATERWAY: Unnamed Wetlands and Tributaries to Burton Brook (Swamp River Watershed)

LOCATION: Town of Dover, Dutchess 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 benefit 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, historic properties, fish and wildlife values, flood hazards, 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, considerations 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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2017-00352-WNE

of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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.

The following Federally endangered or threatened species may occur in the vicinity of the project area: dwarf wedgemussel, bog turtle, Indiana bat, and northern long-eared bat. Our preliminary determination is that the activities for which authorization is sought herein are not likely to affect dwarf wedgemussels or bog turtles as suitable habitat for these species does not exist in the project and the activities for which authorization is sought herein may affect, but are not likely to adversely affect Indian bats and northern long-eared bats because the applicant has proposed to restrict tree clearing activities to between November 1 and March 31 when these species would not occur in the project area. 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, and initial coordination with the New York State Office of Parks, Recreation, and Historic Preservation there are no known sites eligible for, or included in, the Register within the permit area, which includes the proposed Phase I mitigation 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.

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 (917) 790-8411.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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


For: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Wingdale Materials, LLC, has requested Department of the Army authorization for the discharge of dredged and fill materials into waters of the United States associated with the expansion of an existing construction aggregate mine in the Swamp River Watershed, Town of Dover, Dutchess County, New York.

Department of the Army regulated activities associated with the expansion of the permit applicant's existing mine operation include the following:

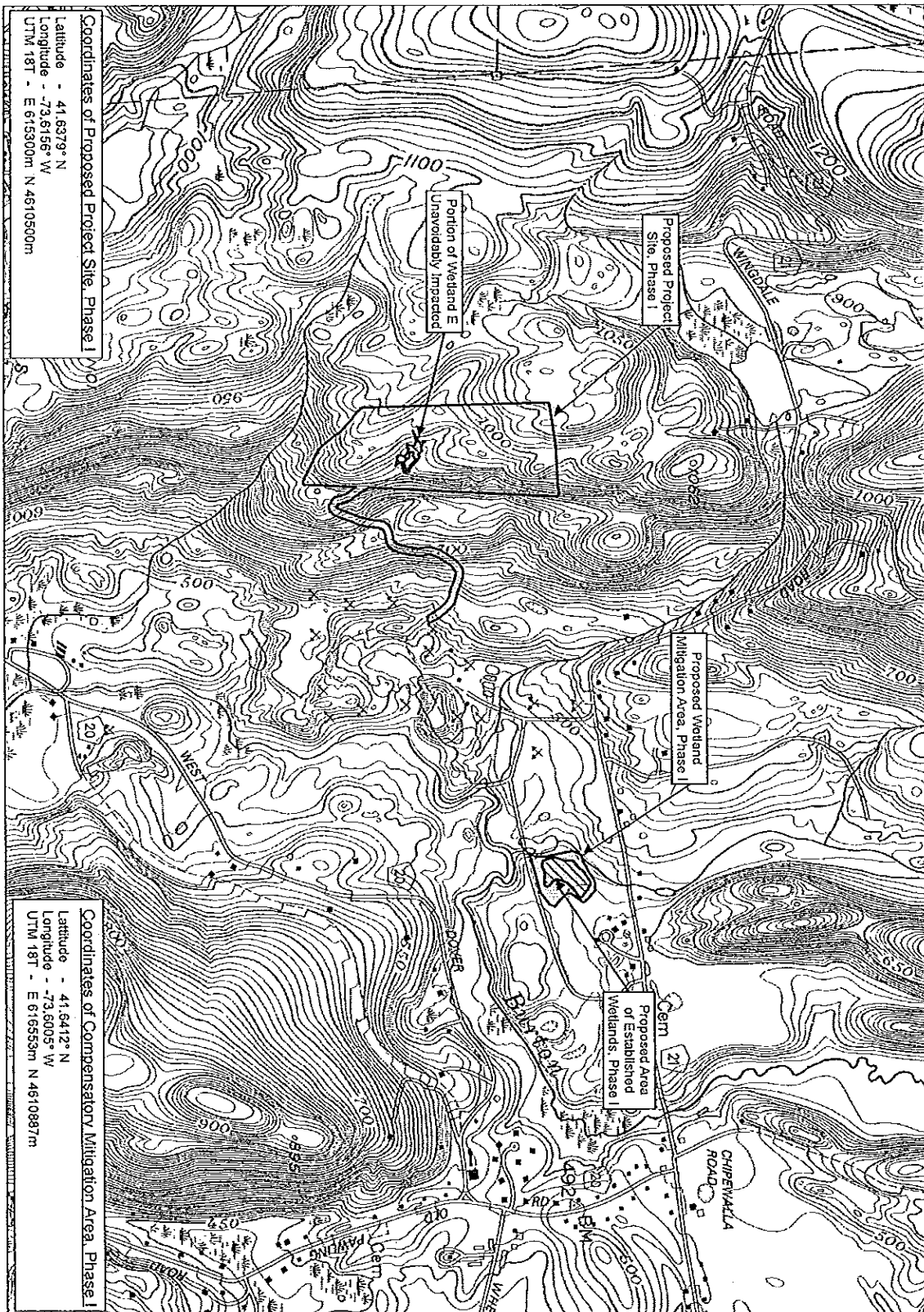
1. The establishment of a surface connection, within wetlands, to the existing underground mining operation, to utilize the existing stone processing infrastructure;
2. Excavation of 0.71 acres of forested wetlands, which are part of a headwaters tributary system that drains to Burton Brook. Excavation of this 0.71 acres of wetlands will reduce hydrological inputs to downstream waters and result in the permanent loss of an additional 0.15 acres of wetlands, which are contiguous with the proposed excavation area. A total of 0.86 acres of forested wetlands will be permanently lost.
3. Installation of a culvert over a stream and wetlands associated with the construction of a 1.5 acre haul road, resulting in temporary impacts to approximately 0.013 acres of wetlands and 20 linear feet of stream.

Additional activities include the expansion of surface mining into an approximately 38.2 acre forested area west of the active quarry mining and processing area, some of which is above the active underground quarry mining and processing area. Approximately 1.2 acres of wetlands that were determined to be isolated, intrastate waters, and are therefore not regulated by the Department of the Army, will be permanently impacted as a result of the proposed work. To compensate for the permanent impacts to 0.86 acres of waters of the United States associated with the project proposal, the applicant proposes the creation of 2.58 acres of forested wetlands within the Swamp River Watershed on uplands contiguous with the existing mine operation.

The proposed activities comprise Phase I of a three phase plan for the life of the mine. Phase I is expected to occur over approximately 20 years. Phases II and III, which are proposed to commence after Phase I is complete, encompass an approximately 80 acre forested area west of Phase I, including approximately 7 acres of waters of the United States. The applicant has proposed to complete all three phases of mining over approximately 80 years. As currently proposed, Phase II and III will permanently impact approximately 2.32 acres of federally-regulated wetlands and streams. To compensate for the permanent impacts to waters of the United States in Phase II and III, the applicant has proposed to create a mixture of approximately 6.32 acres of forested and scrub shrub wetlands in the within the Swamp River Watershed on uplands contiguous with the existing mine operation, and enhance approximately 500 linear feet of riparian corridor along Burton Brook. The applicant has submitted a Surface Reclamation Plan for concurrent restoration of the proposed mine area.

The subject of this public notice and evaluation for authorization by the Department of the Army is Phase I of the proposed mine expansion. Phase II and III will be evaluated for Department of the Army authorization in the future.

The purpose of this project is to continue to provide a source of non-carbonate crushed stone to New York State Department of Transportation Region 8 on the east side of the Hudson River.



Coordinates of Proposed Project Site, Phase I
 Latitude - 41.6379° N
 Longitude - 73.6166° W
 UTM 18T - E 615300m N 4610500m

Coordinates of Compensatory Mitigation Area, Phase I
 Latitude - 41.6412° N
 Longitude - 73.6005° W
 UTM 18T - E 615553m N 4610897m

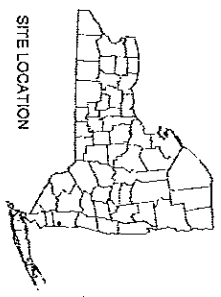
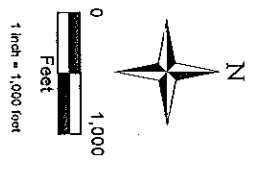
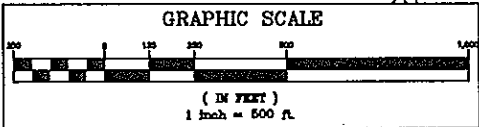
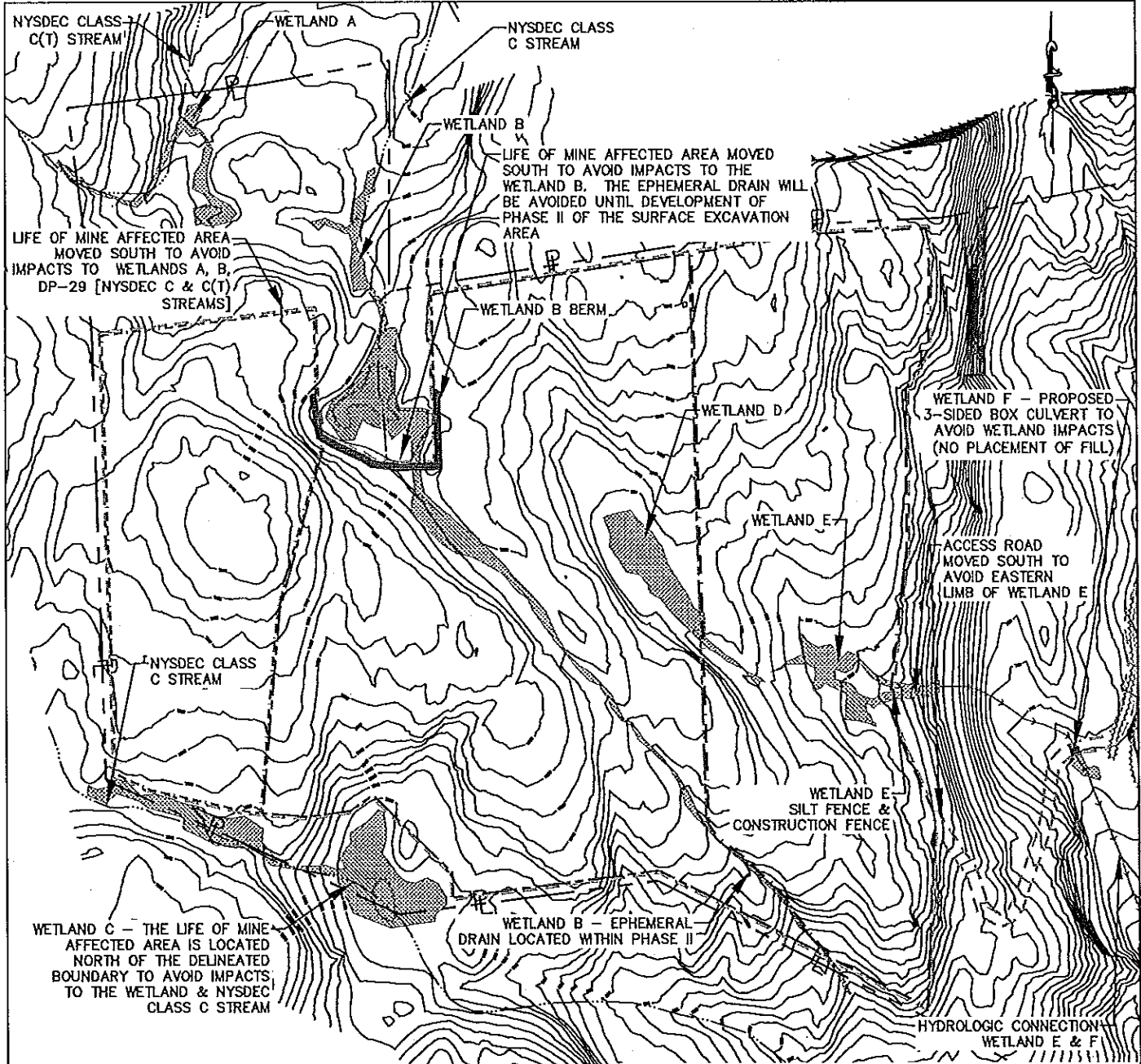


Figure 1.
Site Location
 Phase I
 NYS DOT
 Topographic Map
 Dover Plains
 1989

By: NPR
 CK, BSW
 Revised: 6-5-2018
 TAD File: PH042702702-Regist-345444-000000.mxd
 3-5-2018



- NOTES:**
1. ALL BOUNDARIES APPROXIMATE WHERE SHOWN.
 2. TOPOGRAPHY COMPILED UTILIZING PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY, DATED JULY, 2012 BY LAND AND MAPPING SERVICES, OF CLEARFIELD, PA.
 3. WETLANDS BOUNDARIES DELINEATED BY TERRESTRIAL ENVIRONMENTAL SPECIALISTS, INC. (TES) ON JULY 22-25, 2013, VERIFIED JUNE 24, 2015.
 4. HORIZONTAL DATUM: NAD83, NYS PLANE EAST ZONE, FEET VERTICAL DATUM: NGVD29

LEGEND

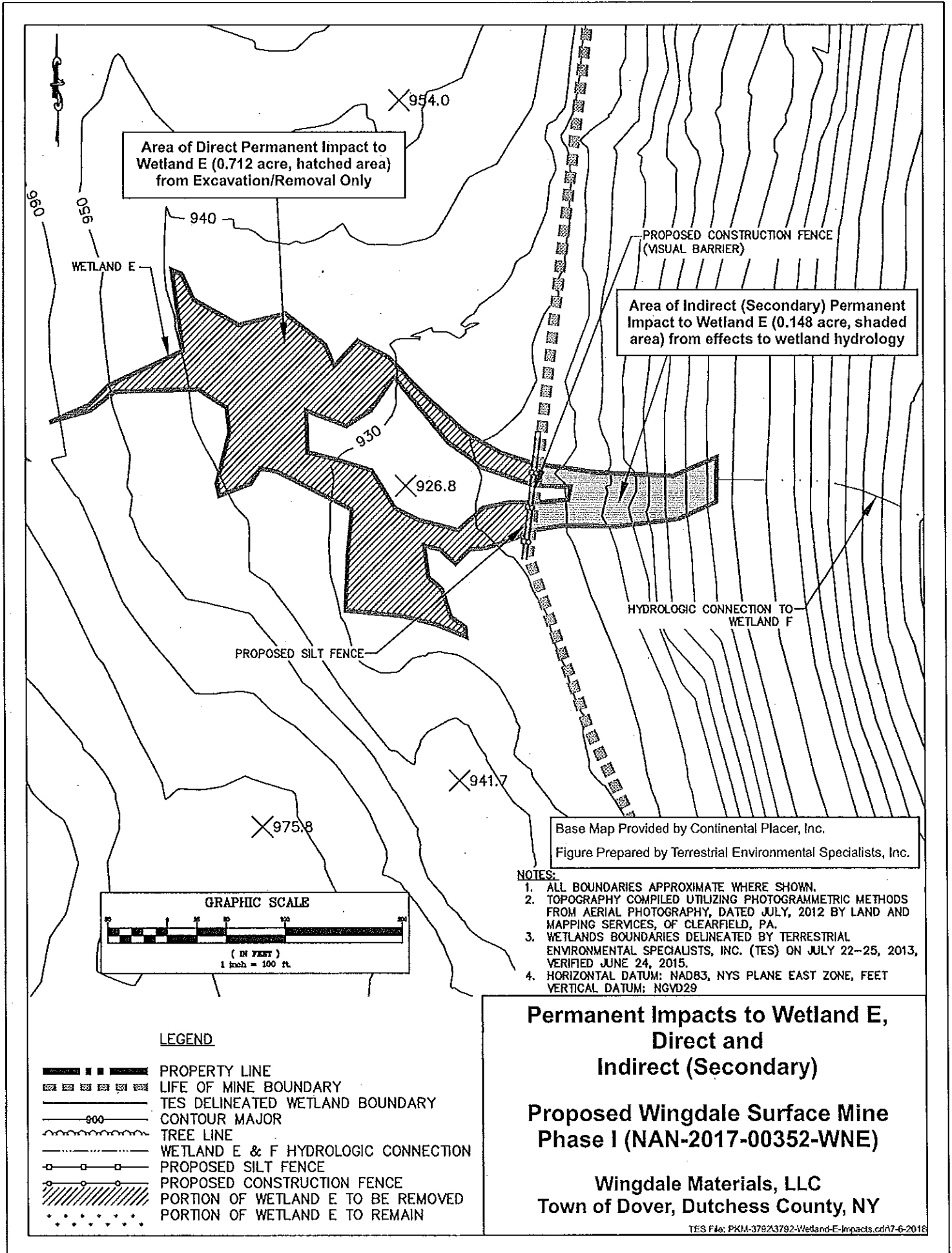
- PROPERTY LINE
- - - - - LIFE OF MINE BOUNDARY
- PHASE I
- PHASE II
- PHASE III
- TES DELINEATED WETLAND BOUNDARY
- CONTOUR MAJOR
- TREE LINE
- NYSDEC CLASSIFIED STREAM
- WETLAND E & F HYDROLOGIC CONNECTION
- PROPOSED BERM

CONTINENTAL PLACER INC.
 GEOLOGIC AND ENVIRONMENTAL SERVICES

11 WINNERS CIRCLE ALBANY, NY 12205
 PH: 518-458-9203 FAX: 518-458-9206

WETLAND AVOIDANCE PLAN
 WINGDALE MATERIALS, LLC
 WINGDALE MINE SITE

TOWN OF DOVER		DUTCHESS CO., NY	
FIGURE: 1	PROJECT #: 13-115-16-4826		
DATE: APRIL 5, 2018	DRAWING #: USACE FIGURES	MANAGER: JCK	
SCALE: 1"=500'	PREPARER: KAD	DRAFTER: KAD	CHECKER: JCK

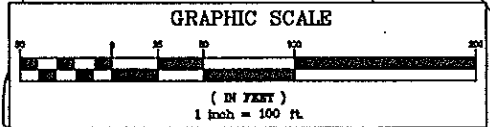


Area of Direct Permanent Impact to Wetland E (0.712 acre, hatched area) from Excavation/Removal Only

Area of Indirect (Secondary) Permanent Impact to Wetland E (0.148 acre, shaded area) from effects to wetland hydrology

Base Map Provided by Continental Placer, Inc.
Figure Prepared by Terrestrial Environmental Specialists, Inc.

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 4. HORIZONTAL DATUM: NAD83, NYS PLANE EAST ZONE, FEET VERTICAL DATUM: NGVD29



LEGEND

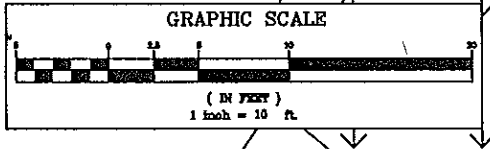
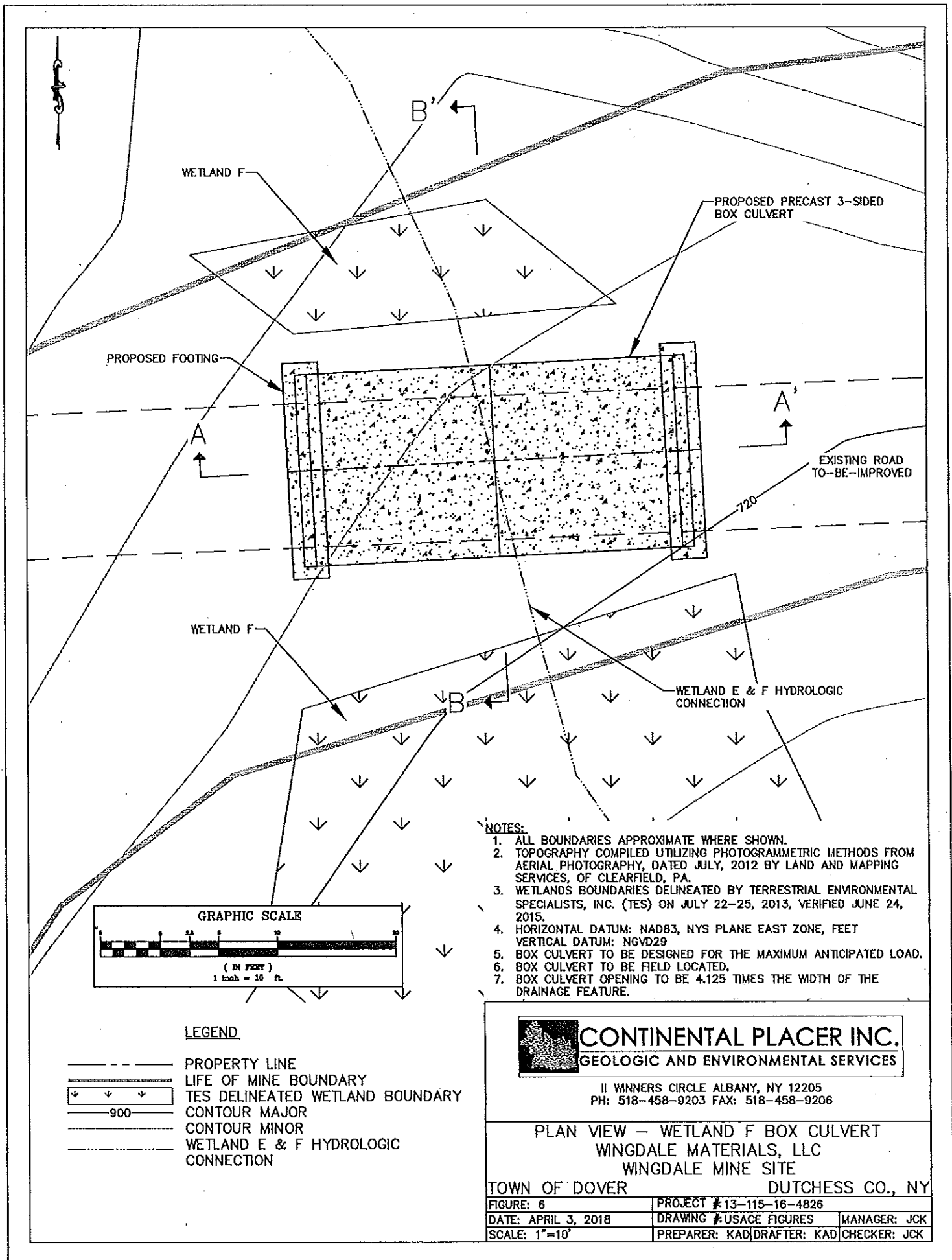
- ■ ■ ■ — PROPERTY LINE
- ■ ■ ■ ■ LIFE OF MINE BOUNDARY
- TES DELINEATED WETLAND BOUNDARY
- 900 — CONTOUR MAJOR
- ~ ~ ~ TREE LINE
- — — WETLAND E & F HYDROLOGIC CONNECTION
- □ — PROPOSED SILT FENCE
- ■ — PROPOSED CONSTRUCTION FENCE
- ▨ PORTION OF WETLAND E TO BE REMOVED
- • • PORTION OF WETLAND E TO REMAIN

**Permanent Impacts to Wetland E,
Direct and
Indirect (Secondary)**

**Proposed Wingdale Surface Mine
Phase I (NAN-2017-00352-WNE)**

**Wingdale Materials, LLC
Town of Dover, Dutchess County, NY**

TES File: PKM-37923792-Wetland-E-Impacts.cdr7-6-2016



LEGEND

- PROPERTY LINE
- LIFE OF MINE BOUNDARY
- TES DELINEATED WETLAND BOUNDARY
- 900 --- CONTOUR MAJOR
- CONTOUR MINOR
- WETLAND E & F HYDROLOGIC CONNECTION

NOTES:

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4. HORIZONTAL DATUM: NAD83, NYS PLANE EAST ZONE, FEET
VERTICAL DATUM: NGVD29
5. BOX CULVERT TO BE DESIGNED FOR THE MAXIMUM ANTICIPATED LOAD.
6. BOX CULVERT TO BE FIELD LOCATED.
7. BOX CULVERT OPENING TO BE 4.125 TIMES THE WIDTH OF THE DRAINAGE FEATURE.

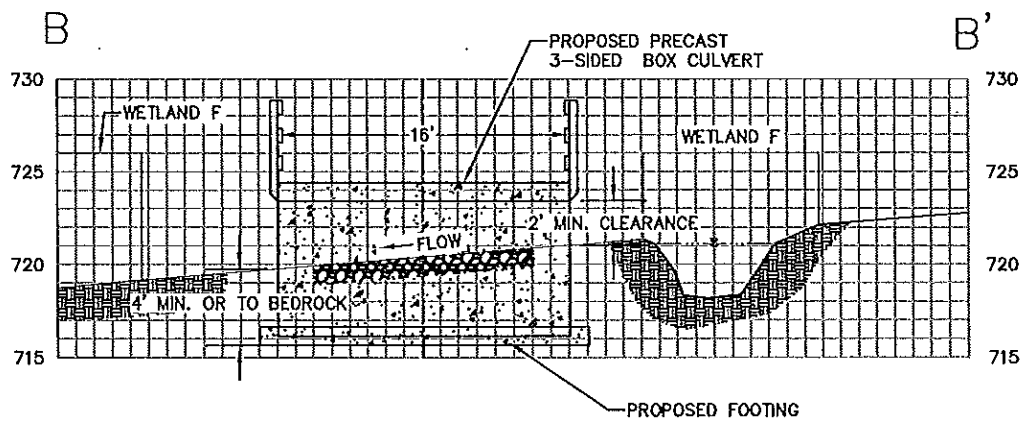
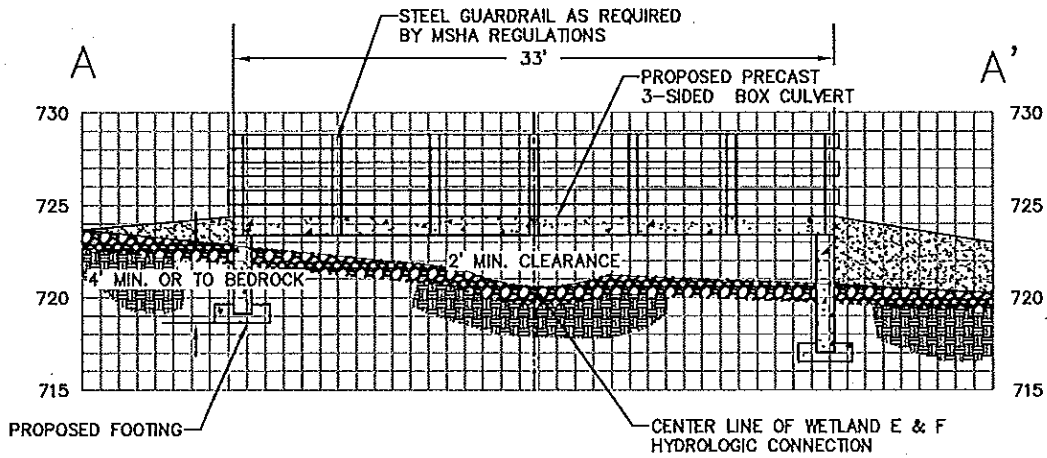
CONTINENTAL PLACER INC.
 GEOLOGIC AND ENVIRONMENTAL SERVICES

11 WINNERS CIRCLE ALBANY, NY 12205
 PH: 518-458-9203 FAX: 518-458-9206

PLAN VIEW - WETLAND F BOX CULVERT
 WINGDALE MATERIALS, LLC
 WINGDALE MINE SITE

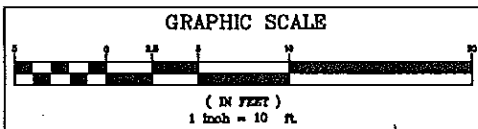
TOWN OF DOVER DUTCHESS CO., NY

FIGURE: 6	PROJECT #: 13-115-16-4826
DATE: APRIL 3, 2018	DRAWING # USACE FIGURES
SCALE: 1"=10'	MANAGER: JCK
	PREPARER: KAD DRAFTER: KAD CHECKER: JCK



NOTES:

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VERTICAL DATUM: NGVD29
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7. BOX CULVERT OPENING TO BE 4.125 TIMES THE WIDTH OF THE DRAINAGE FEATURE.



LEGEND

- TES DELINEATED WETLAND BOUNDARY
- EXISTING GRADE
- CONCRETE
- CRUSHED STONE (EXISTING ROAD BED)
- NATIVE MATERIAL
- PROPOSED FILL
- WATER



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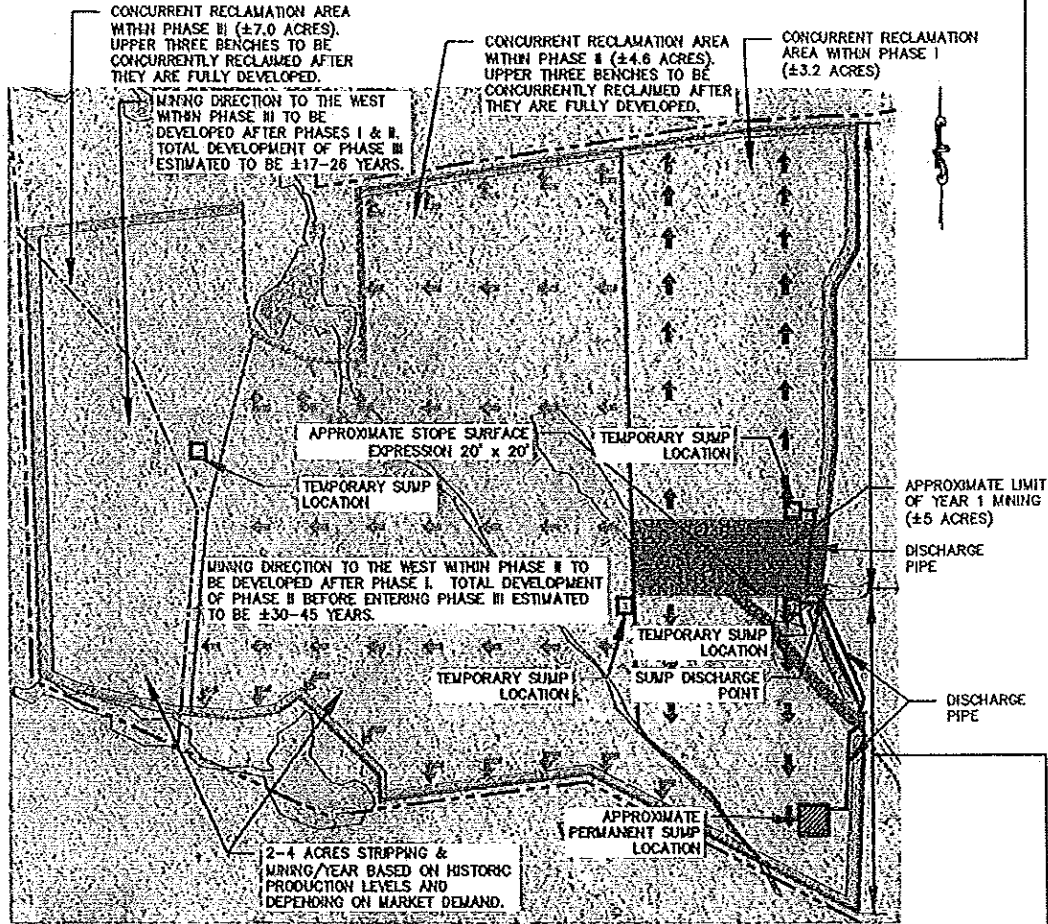
11 WINNERS CIRCLE ALBANY, NY 12205
PH: 518-458-9203 FAX: 518-458-9206

CROSS SECTIONS - WETLAND F BOX CULVERT
WINGDALE MATERIALS, LLC
WINGDALE MINE SITE

TOWN OF DOVER DUTCHESS CO., NY

FIGURE: 7	PROJECT #13-115-16-4826
DATE: APRIL 3, 2018	DRAWING #USACE FIGURES
SCALE: 1"=10'	MANAGER: JCK
	PREPARER: KAD/DRAFTER: KAD/CHECKER: JCK

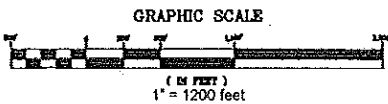
INITIAL MINING DIRECTION TO THE NORTH. ESTIMATED 2-4 ACRES STRIPPING & MINING/YEAR BASED ON HISTORIC PRODUCTION LEVELS DEPENDING ON MARKET DEMAND. ±10-15 YEAR ESTIMATE TO DEVELOP PHASE I FROM THE STOPE TO THE NORTHERN LIMIT OF PHASE I. THE UPPER THREE BENCHES WITHIN PHASE I WILL BE CONCURRENTLY RECLAIMED AFTER THEY ARE FULLY DEVELOPED.



SUBSEQUENT MINING DIRECTION TO THE SOUTH TO BE DEVELOPED AFTER NORTHERN BENCHES. ±10-15 YEAR ESTIMATE TO DEVELOP SOUTHERN PORTION OF PHASE I. THIS WILL OCCUR SIMULTANEOUSLY WITH DEVELOPMENT OF LOWER LIFTS OF THE NORTHERN PORTION OF PHASE I. TOTAL DEVELOPMENT OF PHASE I BEFORE ENTERING SUBSEQUENT PHASES ESTIMATED TO BE ±20-30 YEARS.

NOTES:

1. 2018 ORTHOREGISTRY FROM NEW YORK STATE GIS CLEARINGHOUSE.
2. BOUNDARIES APPROXIMATE WHERE SHOWN.
3. SUMPS WILL BE LOCATED ON A TEMPORARY BASIS TO SUPPORT A DRY WORKING FLOOR AS NEEDED.
4. DURING INITIAL DEVELOPMENT, SUMP LOCATIONS ARE TRANSIENT.
5. AS PHASE I IS COMPLETED, A PERMANENT SUMP WILL BE DEVELOPED AS SHOWN (APPROXIMATELY).



LEGEND

- ▭ CONCURRENT RECLAMATION AREA
- INITIAL MINING DIRECTION
- SUBSEQUENT MINING DIRECTION
- PHASE II MINING DIRECTION
- PHASE III MINING DIRECTION
- - - WETLAND BOUNDARY
- WETLAND E & F HYDROLOGIC CONNECTION
- - - PROPERTY LINE
- - - LIFE OF MINE BOUNDARY
- - - IMPROVED HAUL ROAD
- - - PHASE I BOUNDARY (38.2 AC)
- - - PHASE II BOUNDARY (57.7 AC)
- - - PHASE III BOUNDARY (23.0 AC)
- - - APPROX. OVERBURDEN STORAGE



CONTINENTAL PLACER INC.
GEOLOGIC AND ENVIRONMENTAL SERVICES

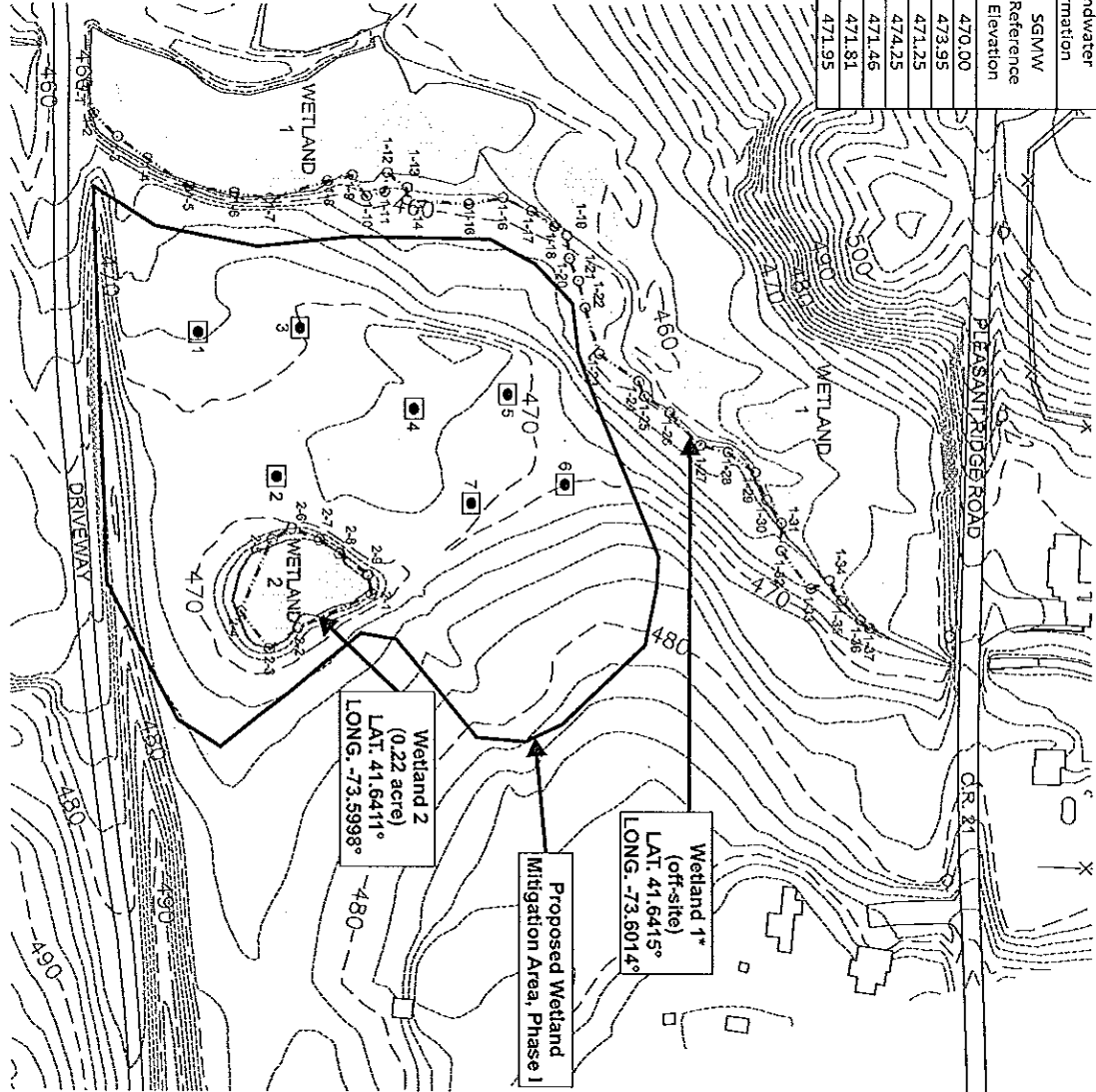
11 WINNERS CIRCLE ALBANY, NY 12205
PH: 518-458-9203 FAX: 518-458-9206

STRIPPING/MINING SEQUENCE
WINGDALE MATERIALS, LLC
WINGDALE MINE SITE
TOWN OF DOVER DUTCHESS CO., NY

FIGURE: 16	PROJECT #13-115-16-4826	MANAGER: JCK
DATE: MAY 31, 2018	DRAWING #4826CMP001	PREPARER: CTD/DRAFTER: CTD/CHECKER: JCK
SCALE: 1" = 500'		

Test Pit (TP) and Shallow, Groundwater Monitoring Well (SGMW) Information		
TP/SGMW	Ground Elevation	SGMW Reference Elevation
1	468.67	470.00
2	472.11	473.95
3	470.30	471.25
4	472.59	474.25
5	470.50	471.46
6	471.32	471.81
7	471.05	471.95

☐ = symbol denoting TP/SGMW



*Eastern boundary flagged in proximity to WMA. Wetland 1 continues along riparian corridor of tributary and generally to the west

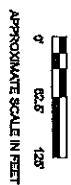
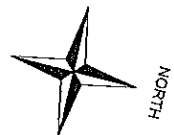


Figure Prepared by
Terrestrial Environmental
Specialists, Inc.

Survey Provided by
Creighton Manning
Engineering, LLP

Figure 8.

Delimited Aquatic
Resources Survey Map
Proposed Wingdale
Quarry On-site Phase I
Wetland Mitigation Area
(WMA)

BC NRP
CK BSW
ROW/DOE: 6-5-2016
TSS No: PWA-2017-00342-WNE-00000000-0015