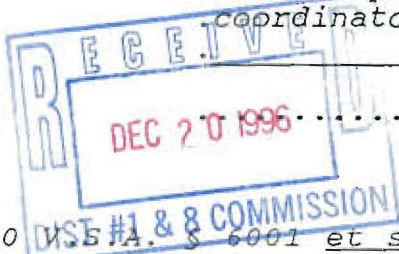


ACT 250
APPLICATION FOR
SLATE QUARRY
REGISTRATION

.file number 1-5-35 date received _____
[] complete [] incomplete init. _____
.date completed _____
coordinator or clerk signature: 10 V.S.A. Chapter 151



.....OFFICE USE ONLY.....

Pursuant to 10 V.S.A. § 6001 et seq (Act 250), as amended, application is hereby made for registration as a "slate quarry" pursuant to 10 V.S.A. §6001 (25) and 6081(1), and for a final jurisdictional determination under subsection 6007(c) of Title 10 Vermont Statutes Annotated.

NAMES:

1. Applicant(s) Name: Raymond R. Duquette and Carole A. Duquette
Address: Warren Switch Road TH 10
W. Pawlet, Vt. 05775 Phone: 802-645-0398

Legal form: [x] individual [] partnership (attach list of partners)
[] corporation: date formed _____ place formed _____
date reg. in Vt. _____ [] municipal gov't [] state gov't
Legal interest in land: [x] ownership in fee simple [] lease agreement
[] contract to purchase [] other: _____

2. Landowner(s) Name: Raymond R. Duquette and Carole A. Duquette
Address: Warren Switch Road TH 10
W. Pawlet, Vt. 05775 Phone: 802-645-0398

3. Mineral Rights Owner Name: _____
Address: _____
Phone: _____

4. Leasehold Rights Owner Name: _____
Address: _____
Phone: _____

5. Contact Person: Raymond R. Duquette
Address: Warren Switch Road TH 10
W. Pawlet, Vt. 05775 Phone: 802-645-0398

LAND:

6. Total acres owned or controlled by applicant and landowner at project site Parcel #1 60 + or-

7. Deed(s): Grantee's name as recorded Raymond R. and Carole A. Duquette
Recorded in book(s) 39 page(s) 470-2
on date(s) 7 July 1983
Town Pawlet County Rutland

QUARRY DESCRIPTION:

8. Applicant represents that dimensional stone (Note 1) was commercially extracted from this hole on or prior to June 1, 1970, as follows:
Parcel contains the Eastern portion of the quarry hole formerly known
as the Rising and Nelson Bush Quarry which was in operation from approximately
1917 to 1959.

Quarry Hole #1:

9. Federal Mine Identification Number (Note 2): _____
10. Mine Name: Duquette Quarry
11. Directions to the Mine (mileage - direction from nearest town, city, and landmark). Note: Submit tax map, aerial photo, sketch or site plan to show quarry hole location. See location maps which are attached
12. Mine Location Address (city, county, state, zip code):
W. Pawlet Rutland County Vermont 05775 Town Highway #10 Box 800
13. Commodity (type of slate product to be extracted): Roofing (floor tile/
slate chips and crushed stone)
14. Existing on-site operations:
Describe existing buildings (square footage, purpose, location shown on sketch) which are or were located on the premises prior to April 1, 1995.
Quarry building consists of 24 x 36 one story trim shed with an attached 36 x 36
three (3) story building which houses the crushers. Foot print of building is
36 x 60 (2,160 sq. ft.)

If a building has been constructed on the tract since April 1, 1995, please contact the District Coordinator to determine whether an Act 250 permit is required.

Quarry Hole #2: (See Note 3)

15. Checklist of required documentation to be submitted with this application:
- Identify the location of Quarry Hole(s) (tax map, aerial photo, site plan or sketch).
 - Current list of names and addresses of all adjoining property owners (Note 4) whose fee simple ownership of property shares a property boundary with the quarry tract or whose lands are adjacent and separated only by a river, stream, or public highway.

SIGNATURES:

16. I hereby swear that the information provided above or attached to this registration is true and accurate to the best of my knowledge.

Signature of applicant(s): Raymond R. Duguette
Carole A Duguette Date: 12/17/96

17. I hereby authorize the processing of this application for the above project on land(s) that I own control, or have significant property interest in.

Signature of landowner(s): Raymond R. Duguette
Carole A Duguette Date: 12/17/96
(Mineral rights landowner or fee landowner)

DISTRIBUTION:

18. Submit the original and four copies to the District Coordinator.

19. Submit additional copies to the Municipality, Municipal Planning Commission, Regional Planning Commission, and to any adjoining municipalities and planning commissions.

Note 1: "Dimensional Stone" refers to slate that is processed into regularly shaped blocks according to specifications.

Note 2: Contact U.S. Dept. of Labor and Mine Safety and Health Administration Phone (518) 436-8970.

Note 3: For additional holes on the same tract, identify the hole(s) on the maps, photos and/or sketch provided in #11 above.

Note 4: Abutting owners may only object to issues relating to pre-existing use and registration. If a particular quarry hole is contested, registration may proceed with uncontested quarry holes located on the same parcel

Approved by Board on November 29, 1995.

(quarry)quarry.a

ADJOINING PROPERTY OWNERS

NAS Holdings, Inc.
c/o Everest Tatko
44 Columbus Street
Granville, New York 12832

William & Dorothy Ingebretsen
Warren Switch Road TH #10
W. Pawlet, Vt. 05775

Robert & Angela Holbrook
Warren Switch Road TH #10
W. Pawlet, Vt. 05775

Hazel Jones and Robert T. Jones
RFD Box 272
W. Pawlet, Vt. 05775

Lowell Ferguson
Warren Switch Road TH #10
W. Pawlet, Vt. 05775

COPIES MAILED TO

Town of Pawlet
Planning and Zoning Commissions
P.O. Box 128
Pawlet, Vt. 05761

Town of Pawlet
Board of Selectmen
P.O. Box 128
Pawlet, Vt. 05761

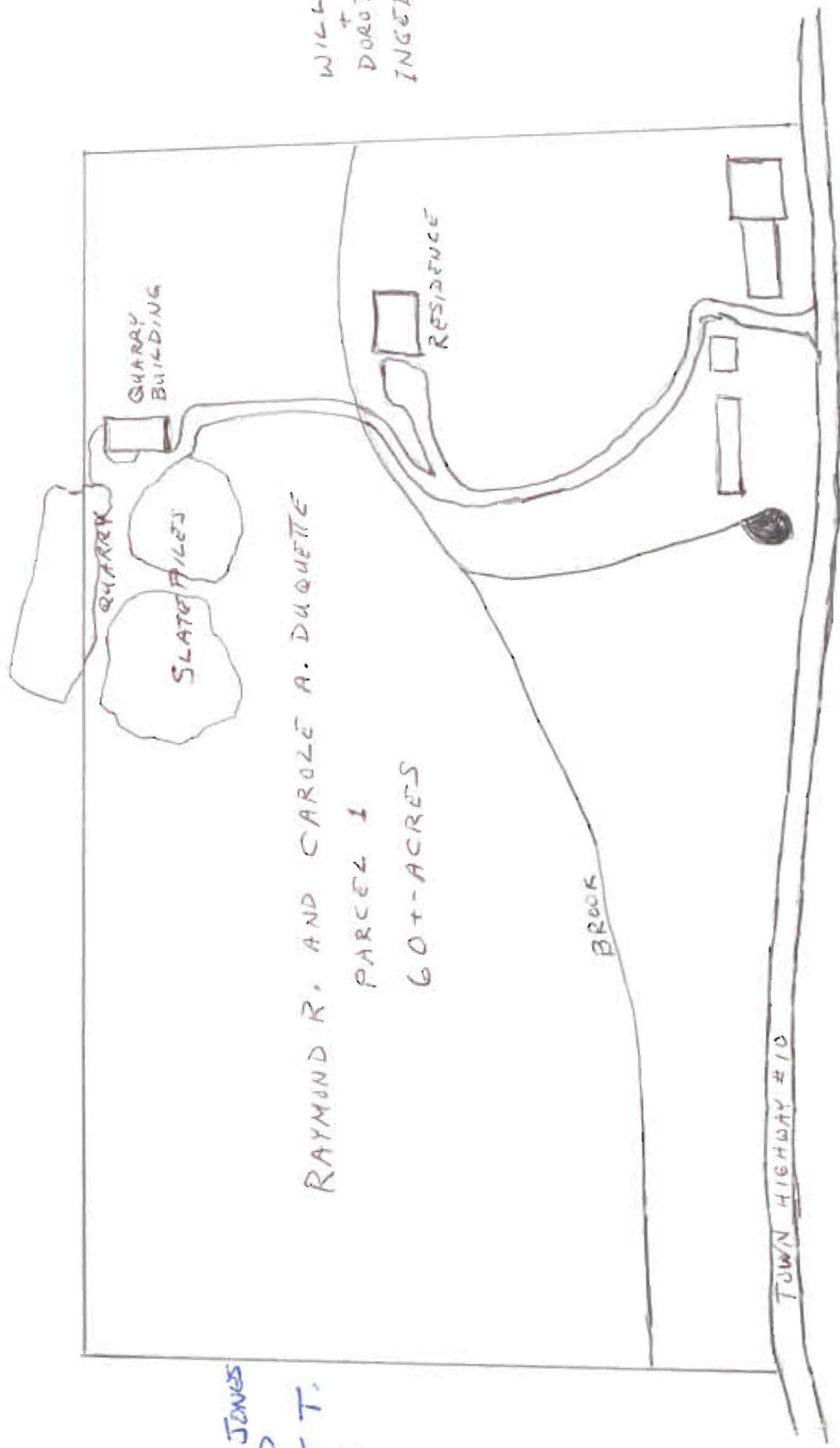
Rutland Regional Planning Commission
P.O. Box 965
Rutland, Vt. 05702

N. A. S. HOLDINGS, INC.

HAZEL JONES
AND
ROBERT T.
JONES

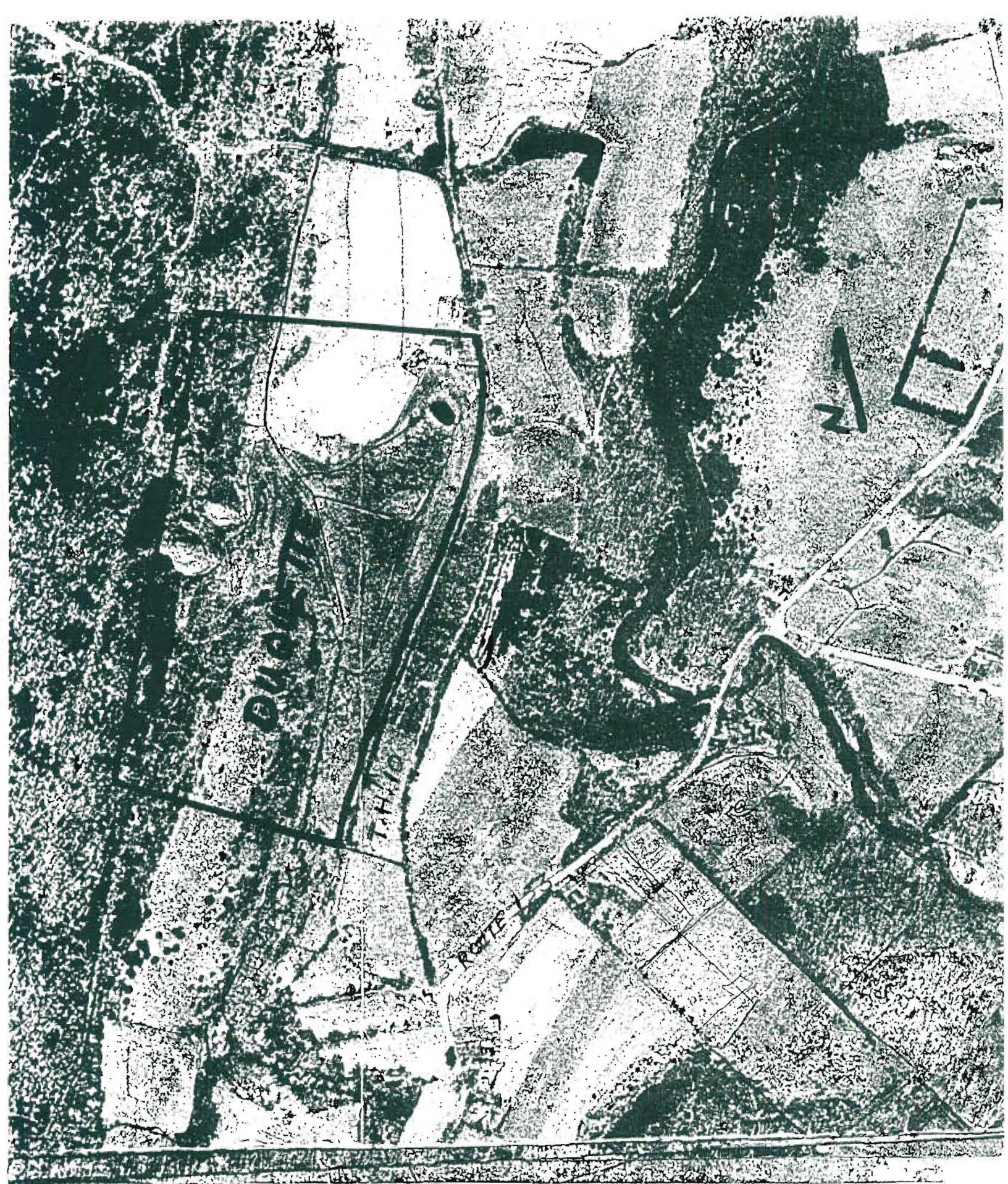
RAYMUND R. AND CAROL A. DUQUETTE
PARCEL 1
60+-ACRES

WILLIAM
+
DOROTHY
INGEBRETSEN



ROBERT + ANGELA
HOLBROOK







STATE OF VERMONT
District #1 & 8 Environmental Commission
440 Asa Bloomer State Office Building
Rutland, VT 05701-5903
Telephone: (802) 786-5920
January 2, 1997

Raymond R. & Carole A. Duquette
Warren Switch Road, TH 10
West Pawlet, VT 05775

Re: Slate Quarry Registration

Dear Mr./Ms. Duquette:

We are in receipt of your slate quarry registration application. Please be advised however, that due to workloads and shortage of staff, there will be a delay in processing your application.

Because we have received your application prior to January 1, 1997, the deadline established by the Vermont Legislature, your application is considered to be timely filed under the statute. I will contact you if additional information is required prior to my issuance of a Jurisdictional Opinion. At the present time, approximately 10 opinions have been issued, and approximately 60 applications are pending. I expect that all opinions will be issued by March 1, 1997. If this presents any difficulty or inconvenience, please do not hesitate to contact me at (802) 786-5920.

Thank you for your cooperation.

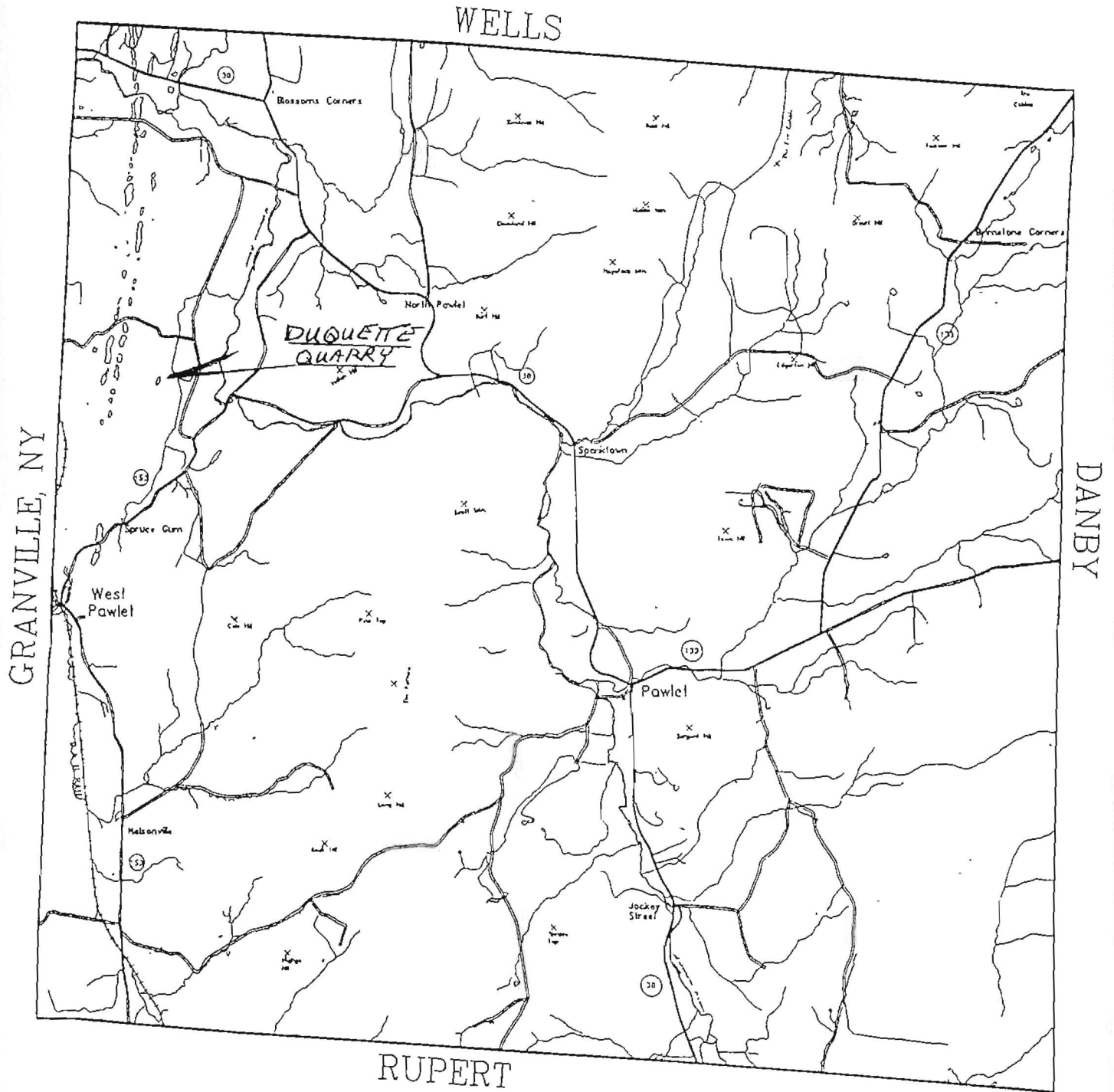
Sincerely,

A handwritten signature in black ink, appearing to read "William Burke".

William Burke
District Coordinator

PAWLET, VERMONT

BASE MAP



LEGEND

- STATE HIGHWAYS
- TOWN CLASS 2 ROADS
- TOWN CLASS 3 ROADS
- TOWN CLASS 4 ROADS
- PRIVATE ROADS
- SURFACE WATERS
- RAILROAD

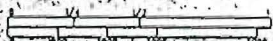


This map is to be used for planning purposes only.

SOURCES:

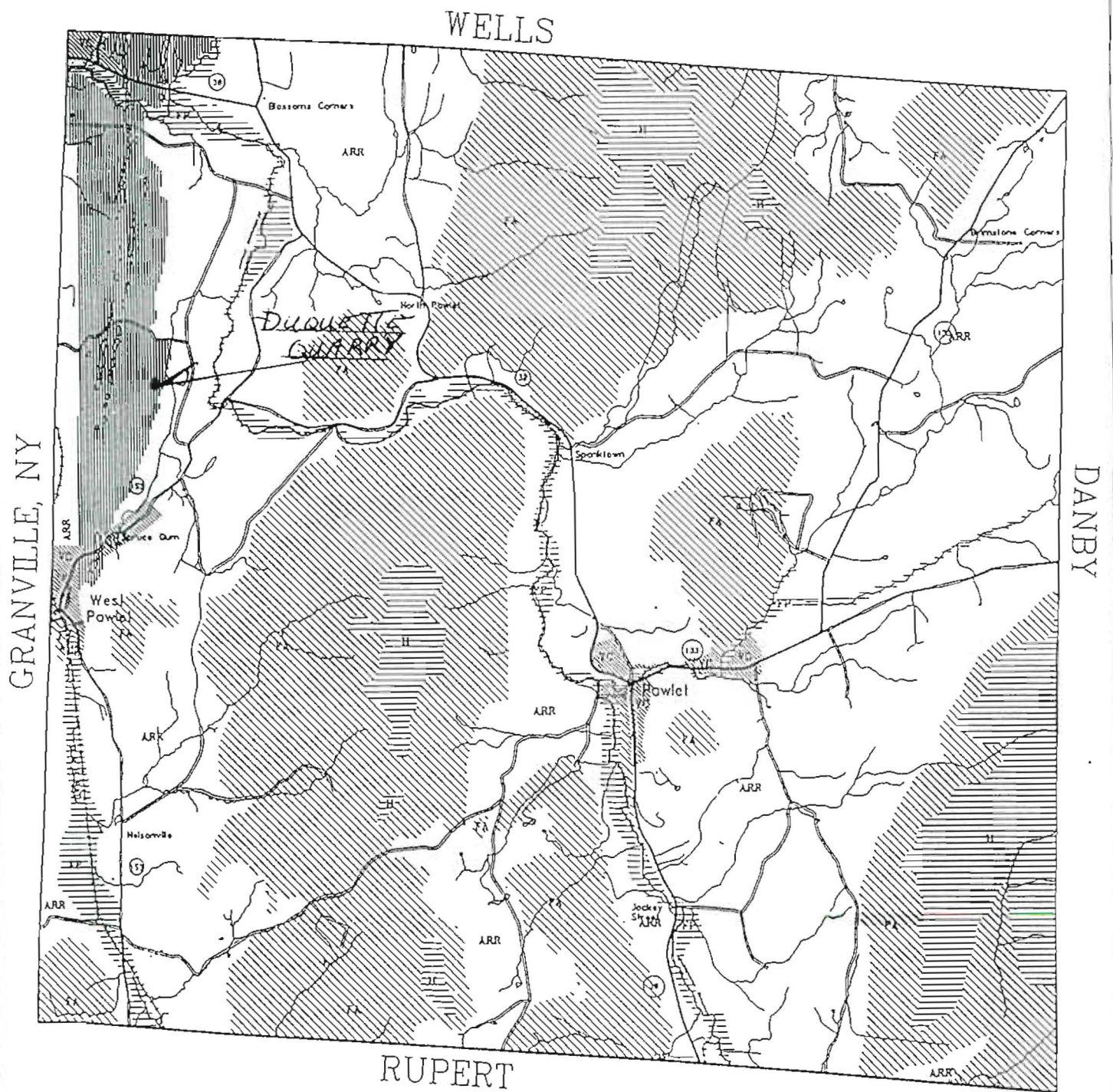
Roads and Surface Waters:
1:5000 Vermont orthophotographs, 1974.
Town Boundary,
1:24,000 USGS topographic maps, pre-1990.

Map produced 04/20/94
SCALE 1:48,000; 1 INCH = 4000 FEET



PAWLET, VERMONT

FUTURE LAND USE



LEGEND

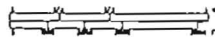
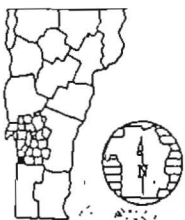
- Highlands - H
- Floodplains - FP
- Floodway
- Farming and Agriculture - FA
- Industrial - I
- Village and Commercial - VC
- Agriculture and Rural Residential - ARR

This map is to be used for planning purposes only.

Map produced 04/28/94
SCALE 1:48,000; 1 INCH = 4000 FEET

SOURCES:

Roads and Surface Waters,
15000 Vermont orthophotographs, 1974.
Town Boundary,
124,000 USGS topographic maps, pre-1990.





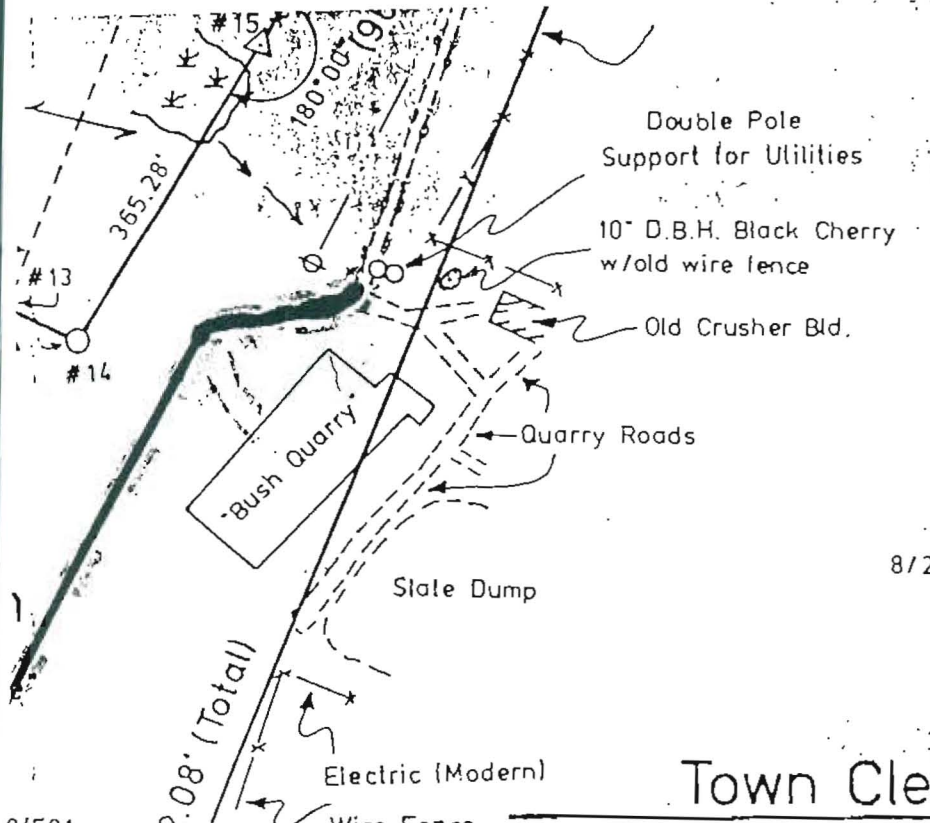
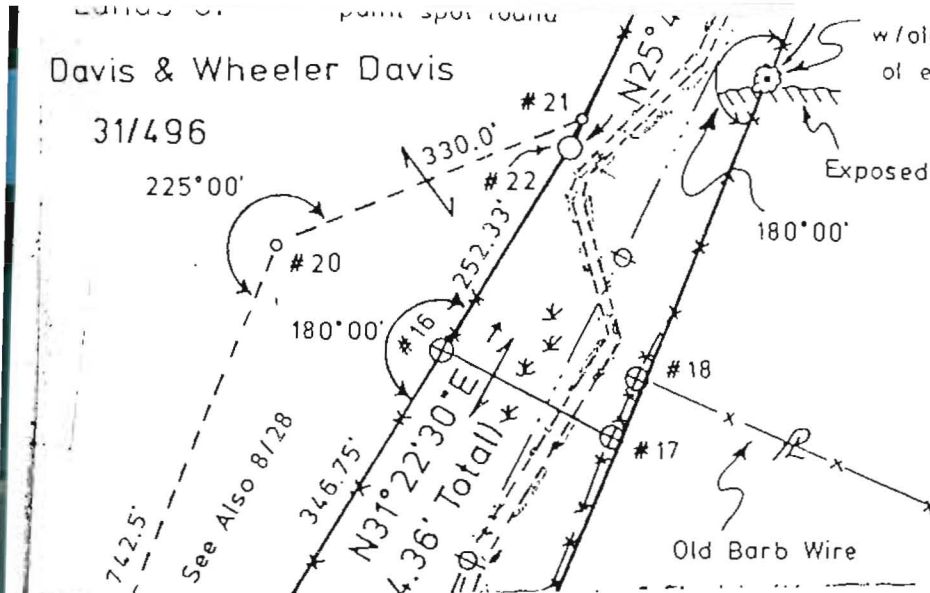
Davis & Wheeler Davis

31/496

w/old blazes 8' northerly
of exposed ledge

See Also 8/28 & 21/314

Lands of
Dorothy F. Ingebretsen
& William C. Ingebretsen
38/100
see also
"Ingebretsen Family Trust"
41/192



Lands of
Carole A. Duquette
& Raymond R. Duquette
39/470
Parcel #1
See Also
8/28, 10/710, 17/259, 21/314 & 22/225

Town Clerk's Certificate

This Survey Plat has been accepted for record this
___ day of _____, _____ and is filed in
Map Book _____, page _____ at _____ o'clock.

Town Clerk: _____

SURVEY PLAT

Lands of:

Royal M. Harrison

d/b/a "North American Slate"

Township of Pawlet

Rutland County, Vermont

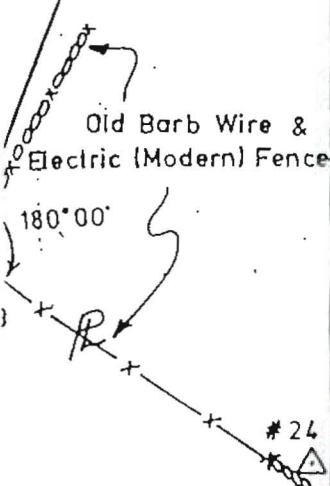
Scale: 1" = 200'

Sheet 1 of 2

November 2, 1992



0/581
2/225



d by:
PO BOX #193
WATSFORD, VT 05763
2-483-6233

Jan. 22, 1997

Mr William Burke
District 1 Environmental Board
440 Aca Bloomer Building
Rutland, Vt. 05701



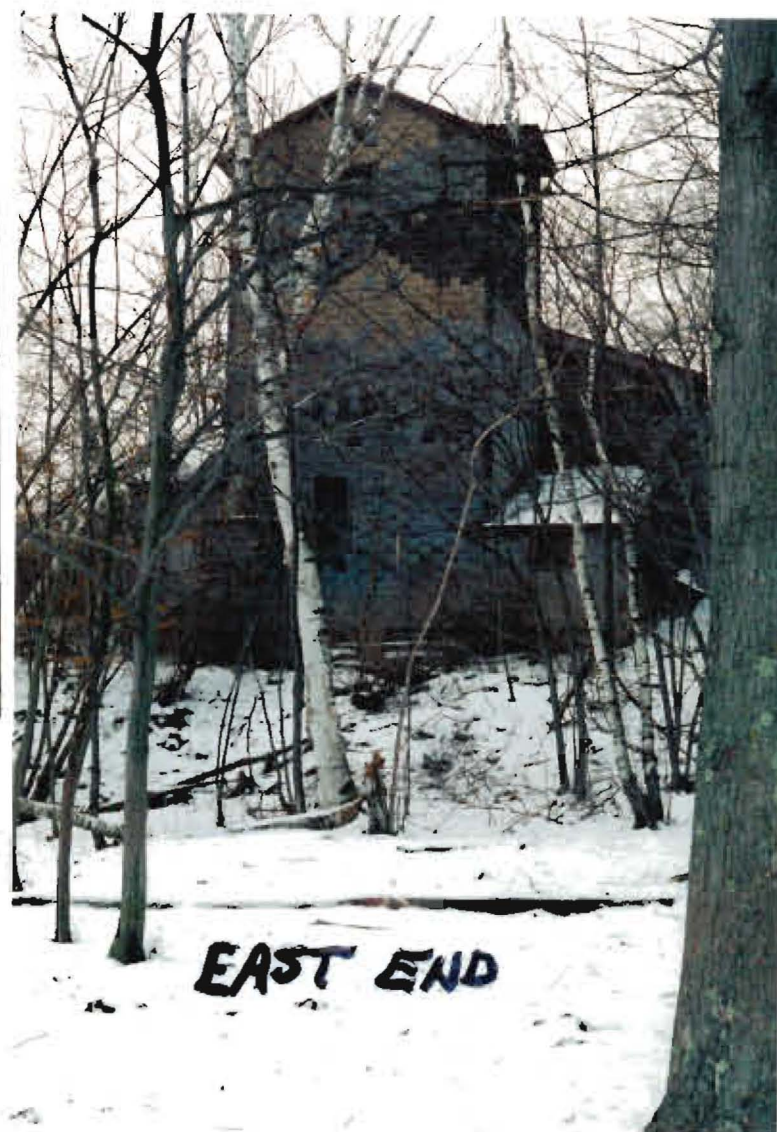
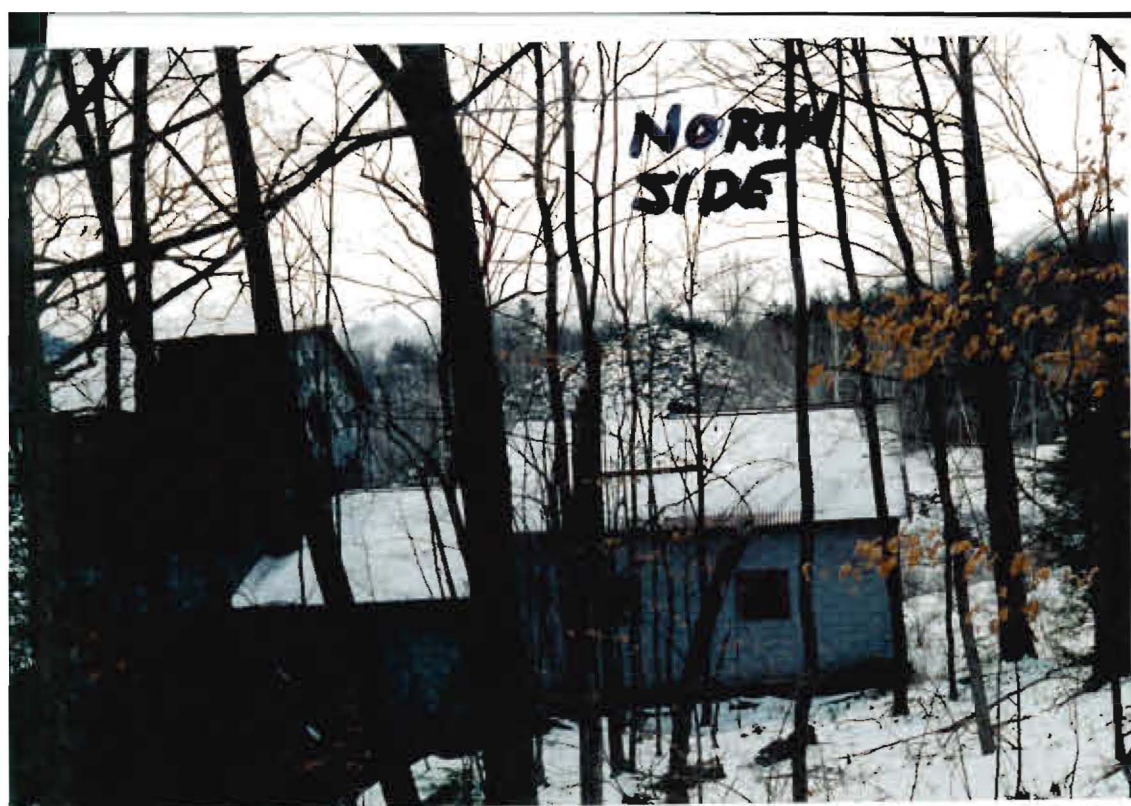
Dear Bill,

As you requested, enclosed are five photos of the quarry building, located on our property. I hope they are satisfactory. If not, please let me know.

Sincerely

Roy

Enc. DUQUETTE QUARRY BUILDING PHOTOS





STATE OF VERMONT
Districts #1 & 8 Environmental Commissions
440 Asa Bloomer State Office Building
Rutland, VT 05701-5903
Tel: (802)786-5920
Fax: (802)786-5915
February 11, 1997

Raymond R. and Carole A. Duquette
Warren Switch Road
West Pawlet, Vermont 05775

Subject: Jurisdictional Opinion #1-S-35; One Slate Quarry Hole and One Building on a ±60 Acre Tract Located West of Town Highway No. 10 in the Town of West Pawlet, Vermont

Dear Raymond R. and Carole A. Duquette:

Pursuant to 10 V.S.A. §§6001(25), 6007(c), 6081(j), and 6081(l)(1), you submitted a slate quarry registration application and request for an Act 250 jurisdictional opinion on December 17, 1996.

I. Background

In 1993, the Vermont Legislature enacted new legislation (H.871§ 37 entitled "Slate Quarry Regulatory Review") which served to provide a temporary exemption from Act 250 for substantial or material changes to existing slate quarries provided that such changes were not "extreme changes" under the statute. See § 37 of H.871 supra.

In 1995, the Vermont Legislature enacted Act 30, adding subsections (j) through (l) to 10 V.S.A. § 6081 (Permits required; exemptions) of the Act 250 statute ("Act 30"). Among other things, Act 30 established a slate quarry registration program whereby quarries which are properly registered are deemed to be active (not abandoned) and exempt from Act 250 for enumerated "ancillary activities" (i.e. "Drilling, crushing, grinding, sizing, washing, drying, sawing and cutting stone, blasting, trimming, punching, splitting and gauging, and use of buildings and use and construction of equipment exclusively to carry out the above activities.

Buildings that existed on April 1, 1995, or any replacements to those buildings, shall be considered ancillary." 10 V.S.A. § 6081 (k)(1).

The Act, effective April 13, 1995, further provided that the amendments to section 6081 of Act 250 shall be retroactive to June 1, 1970. Act 30, § 4.

II. Summary of Opinion

Having completed my review of your registration form (with enclosures), I conclude that the subject quarry hole and existing building constitutes a preexisting development, is not abandoned, and is not currently subject to a requirement for an Act 250 Land Use Permit. Accordingly, no Act 250 permit is currently required for the subject Duquette Quarry as described in more detail below.

The construction of a new building or buildings (other than replacement of the existing buildings), or the opening up of a new quarry hole will require a land use permit under 10 V.S.A. §6001 et seq (Act 250).

III. Documents and Facts

In forming this opinion, I relied upon the accuracy of the following factual representations and documents:

1. Slate Quarry Registration form filed by Raymond R. and Carole A. Duquette dated December 17, 1996.
2. Three site location maps illustrating the location of one quarry hole and one building.
3. A list of adjoining property owners.
4. An aerial photograph depicting the location of one quarry hole.
5. Five photographs showing one 24' x 36' one story trim shed with an attached 36' x 36' three story crusher building.

IV. Conclusions

Based upon the information submitted, I conclude that there is sufficient evidence that the subject quarry hole preexisted Act 250 (June 1, 1970) and is not abandoned. 10 V.S.A. §6081(j). Moreover, I conclude that one building on the tract, constructed prior to April 1, 1995, is exempt as "ancillary activities" under 10 V.S.A. §6081(k)(1). Pursuant to 10 V.S.A. §6081(l)(5), operation of and changes to the subject quarry will not require a land use permit under 10 V.S.A. §6001 et seq (Act

250) provided that the changes do not involve the creation of a new quarry hole or holes or the construction of new buildings on the tract.

V. Reconsideration or Appeal

This is a jurisdictional opinion and interested parties may file a request to the District Coordinator, at the address above, to reconsider the opinion, or may file an appeal to the State Environmental Board, pursuant to 10 V.S.A. §6007(c). A jurisdictional opinion of a district coordinator shall be subject to a request for reconsideration or it may be appealed to the board by the applicant, by individuals or entities who may be affected by the outcome of the opinion, or by parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist. **An appeal from a jurisdictional opinion must be filed within 30 days of the mailing of the opinion to the person appealing. Failure to appeal within the prescribed period shall render the jurisdictional opinion the final determination with respect to jurisdiction under this chapter unless the opinion has not been properly served on parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist, and on persons and entities which may be affected by the outcome of the decision, according to the rules of the board.** Any appeal shall be by means of a petition for declaratory ruling, and must be accompanied by a \$25.00 filing fee. The filing should be directed to the Environmental Board, National Life Records Center Building, Drawer 20, Montpelier, Vermont 05620-3201.

VI. Recordation

This jurisdictional opinion becomes a final determination at the conclusion of the thirty day appeal period explained above. Pursuant to 10 V.S.A. §6081(l)(4) the final determination regarding a slate quarry registration under subsection 6007(c) of this title shall be recorded in the municipal land records by, and at the expense of, the registrant - along with an accurate site plan of the parcel depicting the site specific information contained in the registration documents.

Sincerely,



William T. Burke
District Coordinator

Enclosure: (1) Certificate of Service

CERTIFICATE OF SERVICE

I, Joyce Fagan, hereby certify that I sent a copy of the foregoing Jurisdictional Opinion #1-S-35, on February 11, 1997, by U.S. Mail, postage prepaid, to the following:

Raymond R. Duquette
Carole A. Duquette
Warren Switch Road, TH 10
West Pawlet, VT 05775

NAS Holdings, Inc.
c/o Everest Tatko
44 Columbus Street
Granville, NY 12832

Ashley D. Waite
Town of Pawlet Selectmen
P.O. Box 117
Pawlet, VT 05761-0117

William & Dorothy Ingrebretsen
Warren Switch Road, TH #10
West Pawlet, VT 05775

Thomas Nelson
Pawlet Town Planning Commission
P.O. Box 68
West Pawlet, VT 05775-0068

Robert & Angela Holbrook
Warren Switch Road, TH #10
West Pawlet, VT 05775

Joanne Waite
Pawlet Town Clerk
P.O. Box 128
Pawlet VT 05761-0128

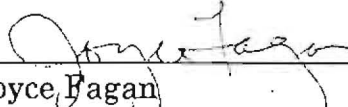
Hazel Jones and Robert T. Jones
RFD Box 272
West Pawlet, VT 05775

Rutland Regional Commission
c/o Mark Blucher
P.O. Box 965, The Opera House
Rutland, VT 05702

Lowell Ferguson
Warren Switch Road, TH#10
West Pawlet, VT 05775

Dated at Rutland, Vermont this
eleventh day of February, 1997.

Andrew Raubvogel, Esq.
Land Use Attorney
103 South Main Street
Waterbury, VT 05676

By: 
Joyce Fagan
Administrative Secretary

FOR YOUR INFORMATION ONLY

Mike Music
Supervisory Mine Safety & Health Insp.
P.O. Box 248
Glenmont, NY 12077-0248

Laurence Becker, State Geologist
Center Building
103 South Main Street
Waterbury, VT 05671-0301