

# Adirondack Wild: Friends of the Forest Preserve Sierra Club Atlantic Chapter

March 14, 2019

Hon. Steven Englebright, Chair  
Environmental Conservation Committee  
NYS Assembly  
Rm 625 LOB  
Albany, NY 12248

Hon. Todd Kaminsky, Chair  
Environmental Conservation Committee  
NYS Senate  
Room 302, LOB  
Albany, NY 12247

Dear Assemblyman Englebright and Senator Kaminsky,

We write to request that you consider passage of a constitutional amendment to rectify an open-ended threat to one of the premiere wilderness areas in the Adirondack Park.

As you know, in 2013 New York voters narrowly passed (53%-47%) an amendment to Article XIV of the New York State Constitution (which mandates that state-owned Forest Preserve lands be kept “forever wild”) allowing NYCO Minerals, Inc. (“NYCO”) to sample for the mineral wollastonite on a 200-acre portion of state-owned Forest Preserve lands known as “Lot 8” in the Jay Mountain Wilderness Area in Essex County. In return for allowing mineral sampling and potential expansion of its mine into the constitutionally protected Wilderness, the amendment requires NYCO to donate yet-to-be-identified private lands to the State for inclusion in the Adirondack Forest Preserve, subject to approval by the Legislature. (A copy of the NYCO constitutional amendment is attached as Exhibit A).

In order to evaluate potential wollastonite deposits underlying the Jay Mountain Wilderness, the company was allowed to conduct exploratory drilling on Lot 8 and was required to submit the results to the Department of Environmental Conservation (“DEC”). However, the amendment failed to establish deadlines for either completion of mineral exploration activities in the Jay Mountain Wilderness or the land exchange.

The purported purpose of the amendment was to ensure the continued economic viability of NYCO’s wollastonite mining operation by allowing expansion of its mine onto the adjacent wilderness area. According to NYCO, the plan to expand its mine onto wilderness lands was crucial to preserving and expanding its local jobs in Essex County. *See, e.g., The Business Council of New York State, Business Council urges support for Proposition 5; land swap will benefit upstate economy and environment* (Oct. 28, 2013) (claiming that “NYCO will be able to extend the life of its Adirondack operations and its 100 jobs by approximately a decade.”)

(attached as Exhibit B); Behan Communications, *Behan leads communications on two successful statewide ballot propositions* (2014) (claiming that the amendment would “protect more than 100 New York State jobs” and that if the amendment failed, “the business and the jobs and communities it supported would be in jeopardy.”) (attached as Exhibit C).

More than five years later, the promised economic benefits of allowing the unprecedented exploitation of a state-owned wilderness by a private company<sup>1</sup> have failed to materialize. Indeed, news outlets have reported that the number of NYCO jobs in Essex County has actually *fallen* by at least 30 percent or more since passage of the constitutional amendment. See James M. Odat, *NYCO land swap has failed to save jobs*, Adirondack Explorer Aug. 22, 2018) (attached as Exhibit D); Rick Karlin, *Little progress in Adirondack mining plan*, Albany Times Union (Aug. 25, 2017) (attached as Exhibit E). In addition, NYCO has since been purchased by the international mining conglomerate Imerys, which has reportedly shifted the majority of its wollastonite mining to Mexico, cut union employment at the company, and contracted out the remaining mining in Essex County to a firm in Vermont. *Id.*

Adding insult to injury, NYCO has failed to provide the results of its mineral sampling in the Jay Mountain Wilderness to DEC as required by the Legislature’s 2013 resolution approving the constitutional amendment, nor have those results been made public. Moreover, the company has failed to identify, much less purchase, the private lands it proposes to donate to the State in return for being allowed to expand its mining operations onto Lot 8.

NYCO’s utter failure in the past five-plus years to deliver on the employment and land exchange promises underpinning the 2013 amendment casts serious doubt on the company’s commitment—and ability—to fulfill those promises. Unfortunately, because the existing amendment provides no sunset or deadline for completion of either sampling activities or the land exchange, the threat of future despoliation of the Jay Mountain Wilderness Area by mineral exploration and mining will continue in perpetuity.

Consequently, the undersigned organizations ask you to please consider a further constitutional amendment to establish a date certain by which all further mineral sampling and the land exchange must be completed. We believe this could be accomplished through a simple additional clause (we have purposely left the sunset date blank, as we believe the Legislature should make that determination):

THE STATE MAY NOT AUTHORIZE, AND NYCO MINERALS, INC., OR ANY SUCCESSOR IN INTEREST, MAY NOT ENGAGE IN, MINERAL SAMPLING OPERATIONS IN LOT 8, STOWERS SURVEY, TOWN OF LEWIS, ESSEX COUNTY AFTER **[Insert Date]**, AND THE STATE MAY NOT CONVEY SAID LOT 8 TO NYCO MINERALS, INC. OR ANY SUCCESSOR IN INTEREST AFTER THAT DATE.

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<sup>1</sup> Behan Communications, the public relations firm hired by NYCO to promote the constitutional amendment, acknowledges that the amendment marked “the first time in history [that] New York voters approved a land swap in the Adirondack Forest Preserve to benefit a private company.” See Ex. C.

Now that the promised economic and environmental benefits have failed to materialize—and many jobs have been lost—the time is now to force NYCO to fulfill its original promises or to allow the Jay Wilderness Area to be freed from the perpetual threat of private exploitation.

Thank you very much for considering our proposal. We would welcome the opportunity to discuss this important issue with you and your staff.

Sincerely,



Christopher Amato, Counsel and Vice Chair  
Adirondack Wild: Friends of the Forest Preserve



David Gibson, Managing Partner  
Adirondack Wild: Friends of the Forest Preserve



Roger Downs, Conservation Director  
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Enclosures

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