Earthjustice, an environmental group that specializes in legal issues, contends that NYCO Mineral’s plans to drill for wollastonite samples in the Jay Mountain Wilderness Area would violate several state laws and regulations.

Earthjustice, headquartered in California, stakes out its position in a January 17 letter to state Environmental Conservation Commissioner Joe Martens, written on behalf of Adirondack Wild, Protect the Adirondacks, the Sierra Club, and the Atlantic States Legal Foundation. These environmental groups oppose NYCO’s plan to expand an existing mine onto the Forest Preserve.

In November, the public approved an amendment to the state constitution authorizing the state to give NYCO two hundred acres in the Wilderness Area in exchange for land of equal or greater value. However, the swap will not take place unless NYCO confirms that the state parcel, known as Lot 8, contains sufficient reserves of wollastonite.

In the letter to Martens, Earthjustice attorney Deborah Goldberg argues that the drilling would violate the Adirondack State Land Master Plan, the Jay Mountain Wilderness management plan, and state Environmental Conservation Law, among other laws and regulations.
Furthermore, Goldberg contends that the laws and regulations cannot be changed to allow the drilling without triggering the State Environmental Quality Review Act, which would require the state to prepare an environmental-impact statement.

Article 14 of the state constitution declares that the Forest Preserve “shall be forever kept as wild forest lands.” In amending the constitution last fall, Goldberg says, the public removed only one layer of protection for Lot 8. However, she adds that the state cannot authorize drilling “in complete disregard of more than a century of vigilant protection of state forest preserve land.”

Even if the state took the proper steps to authorize the drilling, Goldberg contends, the work proposal would be subject to additional review under the Adirondack Park Agency Act, the Freshwater Wetlands Act, and state mining regulations.

Changing the laws and regulations and conducting an environmental review likely would take many months. Yet, NYCO wants to begin drilling soon. In fact, the company had hoped to start this month.

Dan Plumley, a partner with Adirondack Wild, visited Lot 8 on Friday with a NYCO geologist and a forester from the state Department of Environmental Conservation. He said NYCO plans to cut a twenty-foot-wide road that will crisscross the parcel. He estimates that it will total at least three miles and require the cutting of thousands of trees.

“That is not a woods road; that’s a wide swath,” Plumley told the *Adirondack Almanack*. “And for this forest, heading toward old-growth conditions, that is a lot of trees.”

NYCO has identified more than a dozen drilling sites, each fifty by fifty feet, according to Plumley. He said the company may not utilize them all, but those that they are will be cleared. “It will be 250 square feet of nothing—everything cut,” he remarked.

Plumley’s characterizations of the mineral-sampling operations could not be confirmed today with either NYCO or the Department of Environmental Conservation.

Earthjustice asked Martens to acknowledge within fifteen business days whether the department intends to adhere to the legal requirements spelled out in the letter.

Copies of the letter also were sent to Governor Andrew Cuomo and other state officials.