DEC plans to amend Jay Wilderness plan

Proposal would allow NYCO to advance voter-approved mining

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This wall of rock, seen in June, marks the edge of NYCO Minerals’ Lewis mine, looking toward a 200-acre parcel of the state-owned Jay Mountain Wilderness where the company wants to conduct exploratory drilling for wollastonite. (Enterprise photo — Chris Knight)

LEWIS - The state Department of Environmental Conservation has submitted a proposed amendment to the state Adirondack Park Agency that would allow NYCO Minerals to move forward with its plan to mine Adirondack Forest Preserve land in Essex County.

The move comes after New York voters approved a land swap between the state and NYCO in a statewide referendum last fall. The constitutional amendment allows NYCO to conduct exploratory drilling for wollastonite on a 200-acre parcel, known as Lot 8, in the Jay Mountain Wilderness. The drilling will provide information that DEC says it will use to accurately appraise the value of Lot 8 for the land swap, if NYCO decides to expand its mining operations there.

"This is an important step in the process to evaluate the site for a potential
land exchange between the state and NYCO that would expand public access and recreation opportunities in the Adirondacks, while also supporting the regional economy," DEC Commissioner Joe Martens said in a press release.

DEC's proposed amendment would recognize that the constitutional amendment repeals wilderness guidelines that would otherwise prohibit NYCO's sampling operations. It would also make the 2010 unit management plan for the Jay Mountain Wilderness consistent with the constitutional amendment and set guidelines for the mineral sampling operations through a Temporary Revocable Permit issued by DEC.

During this first phase of the process, Lot 8 will remain part of the Forest Preserve; however, for the limited purpose of the sampling operations, DEC says the amendment suspends Article XIV directives that Forest Preserve lands must be "forever kept as wild forest lands" and that timber situated on the lands will not be "removed, sold or destroyed."

"This will allow for the creation of corridors and areas required for transportation of equipment, development of drill pads and the use of mechanized mineral sampling equipment," reads the DEC press release. "The second phase, conveyance of Lot 8 to NYCO, will occur after the state has appraised the value of Lot 8."

If NYCO decides not to expand its wollastonite mine onto Lot 8, the company is required to compensate the state for the disturbance resulting from the mineral sampling operations. NYCO will be required to convey to the state an amount of land no less than the acreage and value of the portions of Lot 8 disturbed by the sampling operations. These parcels, to be added to the Forest Preserve, would be subject to approval by the state Legislature.

If NYCO opts to expand its mine onto Lot 8, the company must convey to the state other lands that are equal to or greater than the acreage and assessed land value of Lot 8, at a total assessed value that's at least $1 million. The lands to be conveyed also would require state Legislature approval.

When NYCO ends all mining operations on Lot 8, the company will be required to reclaim the site and convey title to the lands back to the Forest Preserve.

The constitutional amendment was supported by local and state politicians, business groups and labor unions around the state. It split the environmental community. The Adirondack Council and the Adirondack Mountain Club backed the proposal while Protect the Adirondacks, Adirondack Wild, the Sierra Club and other groups opposed it.

The amendment was approved in November by a margin of roughly 138,000 votes. A total of 1,204,996 people, or 53 percent of those who cast ballots on the proposition, were in favor of it, with 1,066,742, or 47 percent, opposed.

NYCO spent $662,350 on advertising to win support for the land swap.