An Adirondack Wilderness Imperiled

By EDWARD ZAHNISER OCT. 7, 2014
IN 1985, the centennial of the founding of the Adirondack Forest Preserve, Gov. Mario M. Cuomo of New York told conservationists in a speech: “The wilderness areas of this state are not a disposable resource, to be consumed and discarded. They must be preserved. Forever.”

That same year, he set aside forest preserve land around Jay Mountain as a state wilderness area.

Now his son, Gov. Andrew M. Cuomo, has set in motion a plan that would allow open pit mining on 200 acres of that wilderness.

How did we get from wilderness forever to an open pit mine? It’s a complicated tale with an ending that could set a bad precedent for other wild lands in the state.

Last year, 53 percent of New York voters approved a constitutional amendment — proposal No. 5 on the ballot — that allows (but doesn’t require) the state to trade those 200 acres to a mining company, NYCO Minerals, for lands that “are equal to or greater than the value” of those wilderness acres.

The company, a major employer in the region, operates two wollastonite mines in Essex County, including one next to the Jay Mountain Wilderness. It is expanding both mines and wants the wilderness land for its operation. Among its many applications, wollastonite is used in the manufacture of industrial ceramics, as a replacement for asbestos, and in paints, adhesives and plastics.

To get the measure on the ballot, the New York Legislature had to twice approve a bill amending the state Constitution to authorize this specific transaction. Once on the ballot, voters could not tell from reading the proposal that the land at issue was a wilderness area. The parcel was described only as “forest preserve land located in the town of Lewis, Essex County.” The full constitutional text, which did not appear on the ballot, also permitted the state to allow NYCO to “engage in mineral sampling operations” before the transfer to make sure it was worthwhile for the company to proceed with a land swap.

In turn, the Cuomo administration has issued NYCO a permit for exploratory drilling on the land, which is still classified as wilderness. The Cuomo administration says the prospecting activities have been carefully designed and will be monitored so that the impact on the land is as contained as possible.

Adirondack Wild: Friends of the Forest Preserve and other conservation groups dispute that claim. We have filed a lawsuit contending that the state is illegally rushing the process. Among other things, the state has failed to find a single likely significant adverse environmental impact from the cutting of trees and the building of access corridors to more than 20 exploratory drilling pads. The state has not required NYCO to file so much as an environmental-impact statement for such heavy industrial activity in a wilderness area. Nor has the state sought legislation that would provide standards for such drilling on wilderness. In July, an Essex County trial court issued a temporary restraining order blocking the mineral sampling. A full hearing is scheduled for later this month.

But we should be asking a larger question. Should we be violating the promise implicit in setting aside wilderness: that it will be, as the first Governor Cuomo said, preserved forever?
My father, Howard Zahniser, was the primary author and chief advocate of the National Wilderness Preservation System Act, which was signed into law 50 years ago by President Lyndon B. Johnson. That law now protects 109.5 million acres of federal land across the United States and in Puerto Rico.

Well before that, in 1946, he had backpacked across what is today New York State’s High Peaks Wilderness Area. He believed that the New York Constitution’s “forever wild” clause offered a model for protecting federal lands in their wild state. It is especially disconcerting that, in this 50th anniversary year of the federal law, the state of New York is promoting mining in its own wilderness. Mining and wilderness are antithetical.

Governor Cuomo could end this now. The state is not required to open up this wilderness to mining. The amendment merely said the state “may” do so. The governor could heed what his father said 29 years ago: Wilderness should be preserved, forever.

If Mr. Cuomo won’t reverse course, he must ensure that the process is guided by legislative standards and that the agencies under his direction comply scrupulously with those requirements. He may not share his father’s appreciation for the wilderness, but his administration must follow the statutes and regulations that still protect the state’s nearly three million acres of forest preserve. The governor is not above the law.

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