

# NYCO begins drilling

■ *Activists continue to negotiate with DEC to tighten permit conditions.*

By Kenneth Aaron

Following a favorable court ruling in December, NYCO Minerals has been drilling for wollastonite in the Jay Mountain Wilderness much of the winter.

The company will be allowed to drill up to twenty-one test bores on the Forest Preserve, according to a permit issued by the state Department of Environmental Conservation (DEC).

As of mid-February, NYCO had cleared trees at eight drilling sites and bored holes at five of them, according to DEC. The company also has cleared access roads to the sites.

Each drill site can be fifty feet by fifty feet (2,500 square feet), and the roads can average fifteen feet wide. Altogether, the permit allows the company to cut up to 1,254 trees, though it may not be necessary to cut that many.

An environmental activist who visited one of the drill sites in February saw nothing amiss. “There was no evidence of any spills. The site was clean, well-organized, and appears to be consistent with the permit,” said the activist, who wished to remain anonymous.

Earthjustice, a nonprofit law firm representing four environmental groups, sued to stop the drilling last year, but State Supreme Court Justice Thomas Buchanan dismissed the lawsuit in December. Although Earthjustice filed a notice of appeal, it may not pursue the litigation, given that the drilling has already begun.

“We’re still evaluating our options,” said Peter Bauer, executive director of Protect the Adirondacks, one of the Earthjustice clients. “The decision is revolving around whether or not an appeal would do any good. Because the damage is already done.”

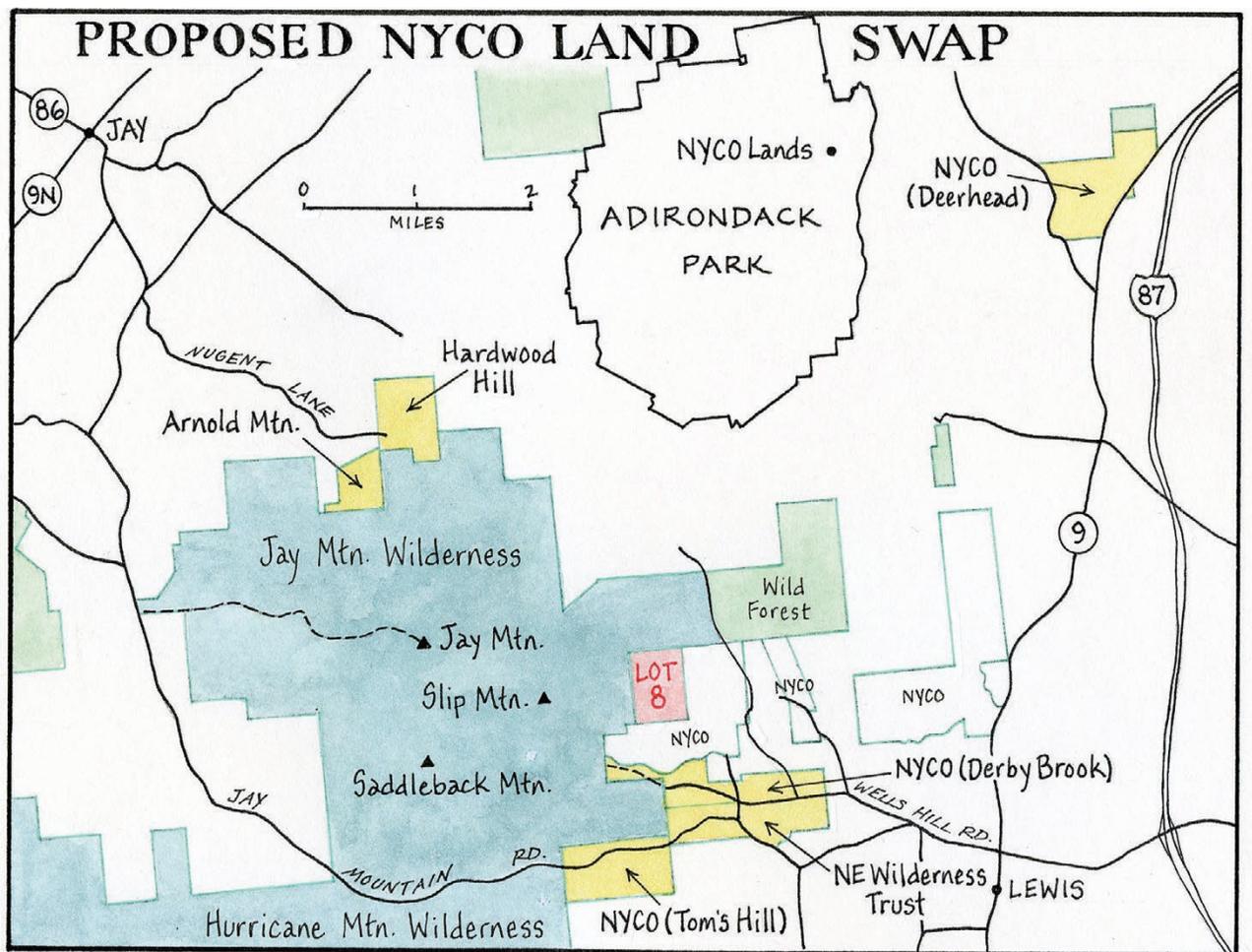
The drilling could continue for a few more months. Dan Plumley, a partner with Adirondack Wild, another of Earthjustice’s clients, said the groups are negotiating with DEC to write additional conditions into the NYCO permit, including:

- A map and ecological assessment of vernal pools.
- A ban on drilling during breeding and nesting activities.
- A survey of old-growth trees on the property.
- Permission for the environmental groups to monitor the operations.

DEC spokesman Peter Constantakes declined to comment on those discussions, citing the ongoing litigation.

Ordinarily, industrial activities such as mining are forbidden in the public Forest Preserve, but in 2013 voters amended the state constitution to allow the state to give NYCO a two-hundred-acre parcel in the Jay Mountain Wilderness known as Lot 8 in exchange for lands of equal or greater value.

Before trading land, though, NYCO wants to make sure that Lot 8, which is next to the company’s existing mine, has enough wollastonite to make the swap worthwhile.



The map shows Lot 8 and (in yellow) several private parcels that might be swapped for it.

After DEC issued a permit for the test drilling, Earthjustice filed suit on behalf of Protect, Adirondack Wild, the Sierra Club, and the Atlantic States Legal Foundation. Named in the suit were NYCO, DEC, and the Adirondack Park Agency. Among other things, Earthjustice argued that the permit violated the Adirondack Park State Land Master Plan and other environmental laws and regulations.

Initially, Justice Buchanan issued an order prohibiting work on the site until the dispute could be aired. In December, however, he revoked the order and dismissed the lawsuit, ruling that the state had taken reasonable steps to mitigate the ecological damage that might be caused by the exploratory drilling.

Hannah Chang, an Earthjustice attorney, said it’s incumbent on state officials to keep a closer eye on the company’s operations on Lot 8. “The land swap hasn’t occurred,” she said. “This land is still public land. For that reason, we think there should be more oversight from the state, rather than not.”

NYCO declined to comment on its progress or on the environmental groups’ ongoing discussions with the DEC.

“NYCO is continuing exploratory drilling on Lot 8 as per the provisions of our Temporary Revocable Permit and as stipulated in the constitutional amendment that was approved by the state’s voters,” spokesman John Brodt said in an emailed statement. “We are working closely with DEC and following all regulatory requirements, but are not prepared to provide a specific progress report at this time.”

NYCO says it wants to mine Lot 8 because its existing mine is nearly depleted.

Wollastonite is commercially mined in only two places in the United States, both in New York. The state produces a quarter of the six hundred thousand metric tons of the mineral produced annually worldwide, according to the U.S. Geological Survey. The white mineral—composed of calcium, silicon, and oxygen—is an additive in plastics, ceramics, paints, and other products. It can be used to strengthen materials or enhance fire resistance, among other purposes.

Most of Lot 8 remains open to the public, but NYCO had roped off the active drill site, according to the activist who visited the parcel. ■



NYCO’s existing mine borders the Jay Mountain Wilderness.