A.7974 (Sweeney, Stec)

Summary
This bill proposes to enact an amendment to Article 14 of the State Constitution, the “Forever Wild” Clause, to allow NYCO Minerals, Inc, a private multinational mining company with mines in Willsboro, New York as well as on several continents, to undertake exploratory drilling on a tract of 200 acres of Forest Preserve known as Lot 8, located in the Adirondack Park in the Jay Mountain Wilderness, Town of Lewis, Essex County. If enacted and if subsequent exploratory drilling for wollastonite on Lot 8 proves that the ore vein continues on Lot 8 to the extent that sustained mining of that vein would be economically feasible, the proposed constitutional amendment authorizes conveyance of Lot 8 to NYCO Minerals, INC which would operate an open pit wollastonite mine thereon, in exchange for nearby private lands of equal or greater value which would be suitable for adding to the Forest Preserve.

Explanation
This legislation attempts to portray a valuable mining interest and the jobs it creates in the Adirondacks as imperiled unless we tear at the fabric of Article 14 of the state constitution; the “forever wild” provision that has been the bedrock principle of conservation in New York State for 119 years. The truth is that NYCO is attempting to expand wollastonite extraction into the Forest Preserve’s Jay Mountain Wilderness because it is more cost effective than it’s other local business options - hardly constituting the need for a constitutional remedy. The People of the State of New York have in the past approved two such amendments (Perkins Clearing and the Sagamore) whereby private interests benefited directly from exchanges of Forest Preserve land for private land of equal or greater value despite the fact that Section 1 of Article 14 is very specific in stating that Forest Preserve land is “forever wild” and “may not be leased, sold or exchanged.” In the case of the Perkins Clearing and Sagamore amendments, each of which were quite controversial, these exceptions were made with the understanding that each such case was quite unique and approval would not establish any precedent for future proposals of a similar kind, i.e. benefitting private or commercial interests primarily. Yet in the case of the instant proposal, proponents have inappropriately but enthusiastically cited these two earlier amendments as precedent.

What makes this proposal even more galling is that the financial hardship presented by NYCO Minerals, Inc. is based upon half truths and distortions. What the support memo attached to A. 7944 fails to disclose is that NYCO has a viable, functioning alternative to exploiting the Forest Preserve’s Jay Mountain Wilderness. NYCO fully owns and operates the Oak Hill Mine, a mile and half due east of the mine they wish to expand into the state forest (Seventy Mine). Oak Hill Mine is fully permitted by the Adirondack Park Agency and NYS DEC, and is currently operational.
According to NYCO’s own permit application, the company estimates its Oak Hill Mine to contain 15-20 years of wollastonite at current rates of production and demand. NYCO began mining Oak Hill in 2012 and the amount of mineral delivered from Oak Hill will rival and then exceed Seventy Mine by 2016. NYCO’s has indicated through now publically available documents that the quality of mineral at Oak Hill is equal to what is anticipated in the Jay Mountain Wilderness Area.

Furthermore, NYCO intends to apply to DEC and APA to expand its current drilling and exploration for minerals to the south of the existing Seventy Mine site on lands it already owns. Clearly, NYCO has hidden from legislators that it has plenty of options to keep its workers busy in the Adirondacks without any need to expand into state wilderness. NYCO has also threatened that if they are not allowed to expand operations into the Jay Mountain Wilderness they will move their investment and their current 95 employees out of the Adirondack Park. It is clear to the Sierra Club that with a viable alternative mine at its disposal, NYCO isn’t going anywhere. The Legislature should call NYCO’s bluff.

There is one other matter that renders this legislation fatally defective. It allows NYCO to destroy “forever wild” Forest Preserve through exploratory drilling and if it is found that the ore vein currently being mined does not continue on Lot 8 then NYCO can walk away without giving the State any land or other compensation at all for the damage it has caused. The amendment process will have been undertaken by the Legislature and the voters for naught.

As a first priority the Legislature, other offerings by NYCO as the primary beneficiary of this amendment aside, has the obligation to maintain the integrity of Article 14 of the State Constitution, the “forever wild” provision, and hold inviolate its “may not be leased, sold or exchanged” provision. The members of the Legislature need to send a strong message that these provisions in Article 14, on which their predecessors have stood fast for 119 years, shall not be rendered impotent or diminished on their watch.

Sierra Club Atlantic Chapter urges your NO vote on A.7944