



PRESS RELEASE

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Constitutional Amendment to Exchange Forest Preserve Lands with Mining Company is a Bad Idea

Proposed land swap with NYCO Minerals, Inc., marks first ever Constitutional Amendment for private commercial gain, rather than public purpose

Bill contains numerous errors and misstatements about NYCO mining operations in the Adirondack Park

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Lake George, NY – Protect the Adirondacks filed a Memo in Opposition against legislation (S.4866) for “second passage” of a proposed Constitutional Amendment to exchange Forest Preserve lands in the Jay Mountain Wilderness Area in Lewis, New York with NYCO Minerals, Inc., a mining company. NYCO owns and operates a 260-acre wollastonite mine with an 80-acre open pit, called the Lewis mine, in the highlands of Lewis, which abuts the Forest Preserve.

NYCO has a processing plant in the neighboring Town of Willsboro. NYCO also operates another mine, called the Oakhill mine, two miles away from the Lewis Mine. This is a 455-acre mine with a 50-acre open pit, for which NYCO secured permits to develop in 1998 and has leased as a rock quarry to a highway aggregate supply company to remove the top layers of bedrock; the “overburden” above the wollastonite deposits.

The legislation would allow NYCO to probe 200 acres of Forest Preserve that adjoins its mine for wollastonite deposits and if an adequate supply is found it could then exchange these lands for other forestlands, which would be added to the Forest Preserve.

“There are two big problems with this legislation,” said Peter Bauer, Executive Director of Protect the Adirondacks. “First, this land swap sets a terrible precedent for the forever wild Forest Preserve. Second, the bill is riddled with inaccuracies, outright falsehoods, and misstatements.”

In New York, a Constitutional Amendment requires passage in two successive Legislatures and then approval by a majority of voters in a statewide ballot. “First passage” for the NYCO amendment was achieved in 2012. A new Legislature in 2013-14 provides the opportunity for “second passage.”

The proposal is totally contrary to the consistent theme of the few Forest Preserve Constitutional Amendments enacted since 1894: each was limited in scope; each was in furtherance of a public, not a private purpose; and, each resulted in a net benefit to the Forest Preserve.

Past amendments include the expansion of a town cemetery in Keene, expansion of a public airport in Arietta (which was done twice), needed improvements for a public water supply for the Raquette Lake community in the Town of Long Lake, minimization of public utility routes and impacts from the Stark Falls dam to the Village to Tupper Lake. The only other Constitutional Amendment that involved a private benefit was the Perkins Clearing land swap between the DEC and International Paper Company, where a checkerboard series of intertwined holdings were swapped so that each side had a large contiguous block to manage.

“The NYCO proposal breaks with historic precedent because it would be the first Forest Preserve Constitutional Amendment to be undertaken for private commercial gain rather than for a public municipal purpose” said Peter Bauer.

The bill language and bill Justification include numerous misstatements, while omitting critical information. The bill justification simply does not accurately portray the situation.

The bill includes three critical misstatements or omissions: 1) It never discloses the existence of NYCO’s nearby second mine at Oakhill, which NYCO secured for the time that the Lewis mine was depleted; 2) The bill never discloses NYCO’s “25-Year Plan,” which identified at least 25 years of wollastonite at the new Oakhill mine and that the company estimated that the Oakhill wollastonite was a higher grade than then Lewis mine supply; 3) The bill threatens that NYCO will close its doors if it does not secure the rights to mine the Forest Preserve, which is disproved by NYCO securing permits for the second mine, opening the second mine, and publishing a “25-Year Plan” that details its transition from the Lewis mine to the Oakhill mine.

“This legislation sets a new standard for misinformation that’s truly troubling. The bill withholds important information about NYCO’s second mine, makes threats that NYCO will leave the area, and fails to report that the wollastonite at the Oakhill mine is a higher grade than at its current mine. This is no way to make decisions about the future of the public Forest Preserve.”

The legislation has been introduced in each house of the Legislature, but has not yet moved at the committee level.

“NYCO is a very smart company. They have long planned for the closing of the Lewis mine, which first opened 40 years ago. They surveyed the area for the best wollastonite supply and bought that land. They secured a dozen permits to open a new mine on Oakhill and have upgraded the site continuously. They have a contract with another company to remove the overburden layers to expose the wollastonite deposits. They have a “25-Year Plan” that details a seamless transition from one mine to another so they can continue to supply their customers without any interference” said Peter Bauer.

“If this Constitutional Amendment goes through, and is approved by the voters in a public referendum, it means that there is no place in New York beyond the reach of commerce. It means that there is no place beyond the desires of various corporations and their political bidders. It means that there is no place that is truly forever wild,” said Peter Bauer.

Protect the Adirondacks

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of the Adirondacks and the Residents’ Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission to protect the Adirondack Park and defend the public “forever wild” Forest Preserve through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is guided by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see www.protectadks.org.

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