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**Earthjustice and Wilderness Coalition to NYS APA and DEC:
Jay Mountain Wilderness Amendment and Permit for Exploratory
Drilling Should Not Be Approved**

NY, NY -- Earthjustice, the environmental law firm representing Adirondack Wild: Friends of the Forest Preserve, Atlantic States Legal Foundation, Protect the Adirondacks!, and the Atlantic Chapter of the Sierra Club, has submitted final comments on the Draft Amendment of the Jay Mountain Wilderness Unit Management Plan and the draft Temporary Revocable Permit that would authorize exploratory drilling on that unit's "Lot 8" by NYCO Minerals.

The organizations' 22-page submission to the NYS Department of Environmental Conservation and Adirondack Park Agency concludes:

The Draft UMP Amendment and Draft TRP should not be approved. As currently drafted, they unconstitutionally allow adverse impacts on Wilderness land outside of Lot 8. They also are incompatible with applicable non-constitutional law and unacceptable as a matter of policy. The inadequate description of existing conditions and impacts, lack of scientifically supported analysis, internal inconsistencies, and failure to provide adequate protection and mitigation all suggest an unnecessarily rushed and ill-considered process. The Forest Preserve and public deserve better.

"The Constitution now gives DEC the choice whether to let NYCO expand its operations, but if the agency is to proceed legally, amendments are needed to more than just the Constitution," said

Earthjustice Managing Attorney Deborah Goldberg. "Right now, the law prohibits industrial activity on wilderness land, and DEC does not have a choice whether or not to obey the law."

"The passage of Proposition 5 last November was based on misleading and incomplete legislation. It left many major issues to be resolved after the vote about how the Forest Preserve is to be mined. We're working to hold State agencies accountable to ensure that ecological damage to the Forest Preserve is minimized," said Peter Bauer, Executive Director of Protect the Adirondacks!

Samuel H. Sage, President, Atlantic States Legal Foundation, said that "The narrow passage of Proposition 5 on Election Day last November may have removed the "forever wild" protection from the Forest Preserve lot in the Jay Mountain Wilderness Area. However, there remain many other requirements in law that have not been amended or repealed and are fully in effect. These must be vigorously and transparently enforced by the Adirondack Park Agency, DEC and the Legislature."

"Concern still exists among Sierra Club members that the text of the ballot initiative did not accurately reflect the actual language of the constitutional amendment," said Roger Downs, Conservation Director of the Sierra Club Atlantic Chapter. "Accordingly, we want to be exceedingly careful that New York State laws and regulations are closely adhered to as this process moves forward."

"Basically, what we are saying to DEC is 'follow the law,' " said Dan Plumley, Partner with Adirondack Wild: Friends of the Forest Preserve. "DEC cannot issue even a temporary revocable permit to allow mineral exploration unless and until the full range of laws protecting our wilderness areas from commercial exploitation and industrial uses are amended."

"The road building, tree cutting, and drilling involved in minerals exploration will undoubtedly cause great disturbance to Lot 8 and beyond it," added David Gibson of Adirondack Wild. "In addition, the groups have documented that Lot 8 is rich in older growth trees and varied wildlife habitats that demand great care and careful assessment prior to any mineral sampling operations."

The groups note that there is no reason for the agencies to rush to judgment with respect to mineral sampling on Lot 8. Already, NYCO has submitted plans to expand its existing Lewis mine by approximately 50 percent, and it owns another mine at Oak Hill that should be ready for full-scale mining by 2016. The agencies should take the time necessary to evaluate comprehensively the natural resources and Wilderness values that will be lost on Lot 8 before considering whether to allow exploratory drilling on land that has been protected since 1885.